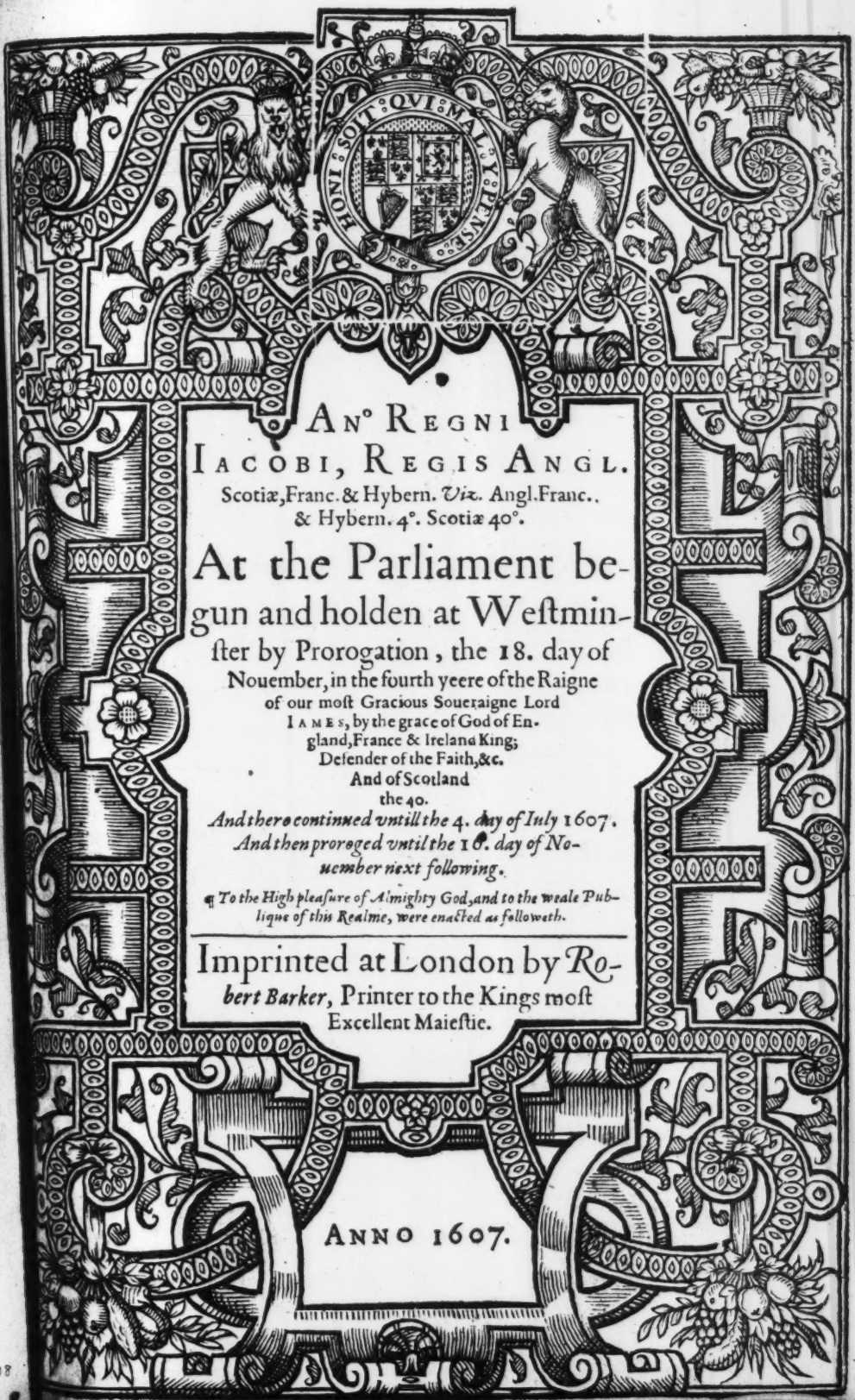

AN° REGNI
IACOBI, REGIS ANGL.
Scotiæ, Franc. & Hybern. *Viz.* Angl. Franc.,
& Hybern. 4°. Scotiæ 40°.

At the Parliament begun and holden at Westminster by Prorogation, the 18. day of Nouember, in the fourth yeere of the Raigne of our most Gracious Soueraigne Lord IAMES, by the grace of God of England, France & Ireland King; Defender of the Faith, &c. And of Scotland the 40.

And there continued vntill the 4. day of July 1607.
And then proroged vntil the 10. *day of Nouember next following.*

¶ *To the High pleasure of Almighty God, and to the weale Publique of this Realme, were enacted as followeth.*

Imprinted at London by *Robert Barker*, Printer to the Kings most Excellent Maiestie.

ANNO 1607.

¶ The Table of the Statutes Printed.

AN Act for the vtter abolition of all memory of Hostilitie, and the dependances thereof betweene England and Scotland, and for the represing of occasions of Discords and Disorders in time to come. *Chap.* 1.

An Acte for the true making of Woollen Clothes. *Chap.* 2.

The Table.

3 An act to giue costes to the Defendant vpon a Nonsuit of the Plaintiffe, or a Verdict against him. *Chap.3.*

4 An acte to restraine the vtterance of Beere and Ale to Alehouse-keepers, and Tiplers not licenced. *Chap.4.*

5 An act for represing the odious and loathsome sinne of Drunkennesse. *Chap.5.*

6 An act for the repealing of so much of one branch of a Statute made in the first yeere of his Maiesties Reigne, Intituled, An Acte concerning Tanners, Curryers, Shoomakers, and other Artificers, occupying the cutting of Leather, as concerneth the Sealing of Sheepe-skinnes, and to auoyde selling of Tanned Leather by weight. *Chap.6.*

7 An act for the founding and incorporating of a free Grammer Schoole in the Towne of Northleech in the Countie of Gloucester. *Chap.7.*

8 An act touching the drowned Marshes of Lesnes and Fants in the Countie of Kent. *Chap.8.*

9 An

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9 An act to explaine a former act made the last Session of this Parliament, Intituled, An act to enable all his Maiesties louing Subiects of England and Wales, to trade freely into the Dominions of Spaine, Portugal and France. *Chap.* 9.

10 An act for confirmation of some part of a Charter granted by K. Henry the sixt to the Maior, Bayliffes, and Burgesses of the Towne of Southampton, and for reliefe of the said Towne. *Chap.* 10.

11 An act for the better prouision of Meadow and Pasture, for necessary maintenance of Husbandry and Tillage in the Mannours, Lordships, and Parishes of Marden, *alias* Mawarden, Bodenham, Wellington, Sutton S. Michael, Sutton S. Nicholas, Murton vpon Lug, and the Parish of Pipe, and euery of them in the Countie of Hereford. *Chap.* 11.

12 An act for explanation of the Statute made in the third yeere of the Reigne of King IAMES, Intituled, An acte for the bringing of a fresh Streame of running Water

The Table.

ter to the North-parts of the Citie of London. Chap. 12.

13. An act for the drayning of certaine Fennes and low grounds within the Isle of Ely, subiect to hurt by surrounding, containing about sixe thousand Acres, compassed about with certaine banks, commonly called and named the Ring of Walderſey and Coldham. Chap. 13.

¶ The Table of the Statutes not Printed.

1 AN act for the aſſurance of the houſe of *Theobalds*, and diuers Mannours, and other Lands, to the Queenes Maieſtie for terme of her life, And of the ſame Houſe, Mannours and Lands to the Kings moſt Excellent Maieſtie, his Heires and Succeſſours, and for the aſſurance of other Mannors, and Lands to the Earle of Salisbury and his heires.

2 An act for the enabling of *John Goode* Eſquire, to conuey vnto his Maieſtie a ſmall portion of land during a terme of yeeres.

3 An act for the eſtabliſhment & aſſurance of diuers of the poſſeſsions and hereditaments of *Ferdinando* late Earle of Derby.

4 An act whereby *Richard Sackuile* Eſquire is enabled to make a ſurrender vnto the K. Maieſtie of the Offices of chiefe Butler of

England

The Table.

England and Wales, notwithſtanding his minoritie of yeeres.

5 An acte for the aſſuring of the Aduowſon of the Vicarage of Cheſthunt to *Robert* Earle of Salisbury and his heires, and of the aduowſon of the Rectory of Orſet to *Richard* Biſhop of London and his Succeſſors.

6 An act for confirmation of an agreement betwixt *Edward* Lord *Bruce*, & *Michael Doyley* and others of the lands of *William Ibgraue* deceaſed.

7 An acte for the confirmation of the Kings Maieſties Letters Patents made to *Robert Bathurſt* Eſquire, of the Mannor and Borough of Lathlad in the Countie of Glouceſter.

8 An acte for the confirmation of the Kings Maieſties Letters Patents made to *William Bourcher* Eſquire, of the Manour of Bardisley in the County of Glouceſter.

9 An act for confirmation of certaine Lands to the Warden & Colledge of the Soules of all faithful people deceaſed of Oxon. and of

of other lands, to ſir *William Smith* knight.

10 An act for ſecuring and confirming of the Lands, tenements, and Rents, heretofore granted, deuiſed or conueyed to ſeuerall Companies within the Citie of London, and to the Maior and Communalty, and Citizens of the Citie of London.

11 An acte for further aſſurance to the purchaſers of certaine Lands late Sir *Ionathan Trelawneis* Knight deceaſed, appointed by acte of Parliament to be ſold for payment of his Debts.

12 An act for reſtitution in blood of the ſonnes and daughters of *Edward Windſor*.

13 An acte for the better enabling of *John Euelyn* Eſquire to make ſale of certaine Landes for the payment of his Debts.

14 An acte for aſsignment of a Ioynture to ſuch wife as *John Tompſon*, ſonne and heire of *Robert Tompſon*, a lunaticke, ſhall marry, and for preſent maintenance of the ſaid *Iohn*.

15 An acte for the ſale of the lands of *William Waller*

The Table.

Walter Esquire, to performe a decree in Chancery for the payment of 505.li. tenne shillings sixe d.

16 An act for the naturalizing of *John Steward* Esquire, brother and heire apparant to *Patrike* Earle of *Orkney*.

17 An act for the Naturalizing of *Peter Baro*, *alias Barow* doctor of Phisicke, and *Mary* his wife.

18 An acte for the Naturalizing of *James Desmaistres* of the Parish of S. *Buttolphes* without Algate, and *Mary* his wife.

19 An act for the naturalizing of *Fabian Smith*.

20 An acte for the naturalizing of *Iohn Ramsden*.

ANNO

IACOBI REGIS.

An Act for the vtter abolition of all memory of Hostilitie, and the dependances thereof betweene *England and Scotland, and for the repressing of occasions of discords and disorders in time to come.*

CHAP. I.

FOR the honour, weale, and good of these two mighty, famous, and auncient Kingdomes of England and Scotland, and for the furtherance, and aduancement of the happy Union already begun in his Maiesties Royall person, Bee it enacted by the Kings most Excellent Maiestie, with the assent of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the authoritie of the same, That one Act made in the fourth yeere of the Reigne of King Henry the fifth, whereby it is enacted, that Letters of Mart, or Reprisall be granted against the people of Scotland, incase where the Subiects of England

haue bene ſpoyled, and haue complained and not receiued redreſſe, ſhall for ſo much thereof, as ſo concerneth the people of Scotland, be vtterly repealed, and made voyd:

And alſo that one Prouiſo contained in an Acte made in the three and thirtieth yeere of the Reigne of King Henry the eight, by which Prouiſo the Kings Maieſties Subiects inhabiting within twelue miles of the Borders of Scotland, are allowed and permitted to vſe Croſſebowes, Handgunnes, Hackbuts or Demihakes, or to vſe or keepe in his or their houſes, or elſewhere, any ſuch Croſſebowes, Handgunnes, Hackbuts, and Demihakes, for ſo much of the ſaid Prouiſo, as ſo concerneth ſuch as ſhall inhabite within twelue miles of the ſaid late Borders, ſhalbe vtterly repealed and made voyd.

And be it further enacted by the authority aforeſaid, That theſe other Statutes hereafter following, That is to ſay, one Acte made in the ſeuenth yeere of the Reigne of Richard the ſecond, whereby it is enacted, That no Armour, Victuall, or other refreſhment be caried into Scotland, vpon paine of ſeizure or forfeiture:

And one other Acte made in the one and thirtieth yeere of the reigne of King Henry the ſixt, whereby it is enacted, That March-Law be not vſed out of the Circuit of the Counties of Northumberland, Cumberland, & Weſtmerland, or the towne of Newcaſtle:

And one other Statute made in the ſeuenth yeere of the reigne of King Henry the ſeuenth, whereby it is Enacted, That Scottiſhmen ſhould auoyd out of the Realme of England, within a time prefixed:

And one other Statute made in the three and twentieth yeere of the reigne of King Henry the eight:

And a like Statute made in the firſt yeere of the reigne

reigne of the late Queene Elizabeth, Whereby the conueying of horses out of England into Scotland, is made felony.

And one other Statute made in the second and third yeeres of the reigne of King Philip and Queene Mary. And the like Statute made in the three and twentieth yeere of the reigne of the late Queene Elizabeth, Whereby it is enacted, That no Lands or Tenements be let to Scottishmen vpon the Borders, shalbe vtterly abrogated, repealed and made voyd: And if there had appeared any other Statute of this Realme of England, wherein any thing is ordeined, enacted, or established, expresly and by name against Scottishmen as enemies, or Scotland as an enemy Countrey to the Kings of this Realme, or the State of the same, we should for so much of them as had so concerned Scottishmen, or Scotland haue vtterly abrogated and adnulled the same: seeing all Enmitie and Hostilitie of former times betweene the two Kingdomes and people, is now happily taken away, and vnder the gouernment of his Maiestie, as vnder one parent and head, turned into fraternitie, or Brotherly friendship.

Prouided neuertheless, and bee it enacted by the authoritie of this present Parliament, That none of the articles, braunches, or clauses aboue said, in this Act before conteined and expressed, shall take effect, or be in force, or in any wise bee deemed and expounded to take effect or be in force, to any intent, construction, or purpose, vntill these Acts of Parliament of the Realme of Scotland hereafter following, that is to say, one Act made in the time of Iames the first, King of Scotland, by which it was enacted, That all persons remaining in England without the Kings License, did commit treason:

One other Act made in the time of the ſaid King Iames the firſt, Whereby any aſſurance with Engliſhmen for taking protection from them for landes or goods, is treaſon:

One other Act in the ſame Kings time, Inhibiting all buying and ſelling of Engliſh goods forbidden, vnder paine of Eſcheate:

One other Act made in the time of Iames the ſecond, King of Scotland, That none ſhould paſſe into England in time of warre without Licenſe, vnder paine of treaſon:

One other Act made in the reigne of the ſaid King Iames the ſecond, That no Engliſhman come into Scotland without Conduct, and that no Scottiſhman lie vnder aſſurance with them:

One other Act of the ſame Kings time, That no Scottiſhman ſupply Barwicke and Roxburgh, vnder paine of treaſon:

One other Act made in the time of the ſayd King Iames the ſecond, That all men be ready for defence of the Realme againſt England:

Two Acts made in the time of Iames the third, King of Scotland, For reſiſting King Edward the fourth:

One other Act made in the time of the ſaid King Iames the third, Concerning the vpholding of Barwicke, and Gariſons vpon the Borders:

One Acte made in the reigne of Marie late Queene of Scotland, by which it was enacted, That Scottiſhmen are charged to leaue aſſurance with Engliſhmen:

One other Act made in the time of the ſaid Queen Mary, concerning aſſured Scottiſhmen, aſſiſting the Engliſh Armie:

One Act made in the Parliament of Scotland in the time of the moſt happy reigne of our moſt gracious

ous Soueraigne Lord the King that now is, conteining, That the Scottish Borderers are discharged to marry English Borderers daughters:

And lastly, one other Act made in the time of our Soueraigne Lord the King, Inioyning the Warden to put in a Bil the names of all Englishmen that occupie land in Scotland, & seeke redresse according to the Treaties, shall by Act of Parliament of the sayd Realme of Scotland, be vtterly repealed, frustrate and made voyd: And vntill also the said Parliament of the Realme of Scotland, shall by their sayd Act make as full and ample declaration concerning their cleare intention and desire of repeale of all other Hostile Lawes of their part not before mentioned, if they were knowen, as on the part of this Realme of England hath beene in this present Acte made and expressed.

And bee it further enacted by the authoritie aforesayd, That one Act made in the fifth yeere of King Richard the second, Concerning the restraint of passage of his Maiesties Subiects out of this Realme, and euery Ordinance, Prouision, Article, or Clause therin conteined, shalbe from henceforth vtterly repealed.

And be it further enacted by the authority of this present Parliament, that no person or persons whatsoeuer, Subiect of either Realme, shall be punished, sued, deliuered, or remaunded, or any way troubled, or called in question for Life, Member, Domage, Recompense, Restitutions, or other Satisfactions whatsoeuer, for or by reason of any offences, spoiles, wrongs, or trespasses, (before the decease of the late Queene Elizabeth of famous memory) Which were determinable by the Lawes or Constitutions of the Borders within the Courts and Iurisdiction of the late wardens or otherwise, which purported Acti-

ons of hoſtilitie by Sea or Land by him, or them committed, or whereunto hee or they were acceſſaries before or after ſuch offence or fact committed, or priuy or ayding to the ſame, or for, or in reſpect whereof he or they were, or are pledges or otherwiſe by any way or meanes whatſoeuer anſwerable or chargeable, or els ſtand charged, or chargeable with any Promiſe, Contract, Bill, Bond, Billes filed, Sentence, Decree or other aſſurances giuen or taken for the ſame onely, or for ſo much onely, of ſuch other aſſurances; as was giuen, or is in force for that cauſe, and for no other.

And forasmuch as no abolition of Hoſtile Lawes, or of the memory of Hoſtilitie, or of Suites and Controuerſies thereupon depending can preſentlie and at once extirpate and reforme thoſe inueterate euill cuſtomes and diſorders, as well of fewds and blood, as of theft and ſpoiles wherewith the worſt ſort of Inhabitants, neere the limits of both Realmes were infected and inured: although by his Maieſties inceſſant care, and Princely policie thoſe parts be already reduced to a more ciuill and peaceable eſtate, then could in ſo ſhort time haue been expected, And whereas experience teacheth, that the Malefactors of either Realme, hauing committed their offences in the other Realme, do forthwith flie & eſcape many times into their owne Country, thereby to purchaſe their impunitie to the great and manifeſt grieuances of the one Realme, and the diſhonour of the other;

And whereas in regard of ſome difference and inequalitie in the Lawes, trials and proceedings in cales of life betweene the Juſtice of the Realme of England, and that of the Realme of Scotland, it appeareth to bee moſt conuenient for the contentment and ſatisfaction of all his Maieſties Subiects to proceede

ceede with all possible seuerity against such Offenders in their owne Countrey, according to the Lawes of the same whereunto they are borne and inheritable, and by and before the naturall borne Subiects of the same Realme if they shall bee there apprehended:

Be it therefore enacted by the authoritie aforesaid, That all offences of Coniurations, Witchcraft, and dealing with euill and wicked Spirits, Murther, Manslaughter, felonious burning of Houses and Corne, Burglary, Robbing of houses by day, Robberie, Theft, the detestable vice of Buggery committed with mankind, or beast, and Rape heretofore done and committed since his Maiesties comming to the Crowne of England, or hereafter to bee done or committed, by any his Maiesties naturall borne Subiects of this Realme of England, or the Dominions of the same within the Realme of Scotland, or the Dominions thereof, and the Accessaries of and to the same, shall bee from henceforth enquired of, heard and determined before his Maiesties Iustices of Assise, or his Commissioners of Oyer and Terminer, or Gaole deliuery being naturall borne Subiects within this Realme of England, and none other, by good and lawfull men of the Counties of Cumberland, Northumberland, Westmerland, or any of the said Counties at the election of the said Iustices of Assises or Commissioners in like maner and forme to all intents and purposes (the alterations hereafter in this Act exprest, only excepted) as if such offences had beene done and committed within the same Shire, where they shall bee so enquired of, heard and determined as is aforesaid. All which trials for the better discouerie of the trueth, and for the better information of the consciences of the Jury

and

and Justices, there shall bee allowed vnto the partie so arraigned, the benefit of such Witnesses onely to be examined vpon oath, that can bee produced for his better clearing and Justification as hereafter in this Act are permitted and allowed.

And be it further enacted by the authoritie aforesaid, That euery Justice of Peace of the Counties aforesaid, vnto whom complaint shalbe made, shall haue full power and authority by vertue of this Acte to bind ouer by Recognisance in a conuenient summe taken to his Maiesties vse, as well the partie prosecuting as any Witnesses, which hee shall desire to produce (so as the said Witnesses may haue their reasonable charges first tendred vnto them) to prosecute and giue in euidence before such his Maiesties Justices as aforesaid, as the case shall require.

And bee it further enacted by the authority aforesaid, That euery Commander, Procurer, Counseller, Abbetter, Comforter, Retainer, or other accessarie of or to any the Offenders or offences aforesaid so committed in Scotland, as aforesaid, offending within the Realmes of England or Scotland, shall be prosecuted, withall Indicted, tryed, iudged, and executed without delay notwithstanding the principals, or any of them bee not conuicted, or attainted: And that no such offender either accessarie or principall shall be allowed the benefit of his Clergie, nor admitted to his peremptorie challenge of aboue the number of fiue. And that euery Indictment of any of the offences aforesayd so committed as aforesaid, shall be adiudged of as good force in Law, notwithstanding the wordes (Contra pacem, Coronam & dignitatem nostras) be omitted, as if the said words had beene therein conteined.

And be it further enacted, That no Sheriffe, Vnder-

der sheriffe, or other Minister, to whom it appertaineth, shall returne any Jurour to enquire of, or trie any of the offences aforesayde, so committed as aforesayde, except euery such Jurour shall haue free hold in possession, to the value of fiue pounds by the yeere in the County, where such inquirie and triall shall bee, vpon paine to forfeit for euery Jurour that shall be returned contrary to this Act, the summe of fourty pounds, the one moytie to the Kings Maiestie, his heires and Successors, the other to the partie that will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of his Maiesties Courtes at Westminster, wherein no Essoyne, Protection, or Wager of Law shalbe allowed: And that the offendor shall and may challenge any Jurour that shall passe vpon his life, for want of such free hold, as aforesaid.

Prouided alwayes, and bee it enacted by the Authoritie aforesayd, That no naturall Subiect of his Maiestie of the Realme of England, or of the Dominions of the same, shall for any the offences aforesaid committed within the Realme of Scotland, or for being accessary to the same, forfeite any Lands, Tenements, or Hereditaments, either Free, Coppie, or Customary hold, neither shall the blood of such Offendor be corrupted, nor the Wife lose her Dower, yet neuertheless the sayd offendors shall forfeit to his Maiestie his heires & Successors, their goods, chattels and credits whatsoeuer.

And forasmuch as it is intended, that an Acte like vnto this shall bee ordeined in the Realme of Scotland, for the tryall and punishment of offendors, being his Maiesties naturall borne Subiectes of the same Realme, which shall commit any of the offentes aforesayd within the Realme of England, or the

Domini-

Dominions thereof, and shall after escape, or returne backe into Scotland.

Be it therefore enacted by the Authoritie aforesaid, That vpon complaint made by any his Maiesties Subiects of the Realme of England to any of the Iustices of Assise, Commissioners of Oyer and Terminer, or Gaole deliuerie, or Iustice of the Peace, within the precincts of their seuerall Commissions respectiuely, being naturall borne Subiects within the Realme of England, concerning any such offence committed by any his Subiects of the Realme of Scotland within the Realme of England, in case where the offendor is returned into the Realme of Scotland, as aforesaid, the said Iustice or Commissioner shall haue full power and authoritie, to binde ouer as well the said partie complaining or prosecuting, as any witnesses that he shall desire to produce (so as their reasonable charges be first tendred vnto them) by Recognizance in a conuenient summe to his Maiesties vse, to prosecute and giue in euidence within the Realme of Scotland, wherein if default shall bee made, and the same prooued by Certificate or otherwise before the Lord Treasurer, Chancellour, and Barons of the Exchequer, or any of them in the Exchequer Chamber, and a Decree there made, that the same Recognizance shall stand forfeited; Then the Court of Exchequer shall thereupon proceede for the leuying of the Debt of the sayd Recognizance, as if it were adiudged forfeited by the course of the Common Law.

And bee it further enacted by the authoritie aforesayd, That on the other part euery of his Maiesties Subiects of the Realme of Scotland, either partie grieued, or Witnesse, which shall prosecute in any the Cases aforesaid, within the Realme of England, and

thereby

thereby shall haue occasion to make his repaire hither, either voluntary, or by the like Bond, as is before expressed, on the part of the Realme of England, shall haue and enioy Priuiledge and immunitie from all maner of Arrests, concerning all offences, or other causes, as well capitall, as others, committed, done, or occasioned, before hee shall so come into England, as aforesaid (except Treason or wilfull murther) so long as he or they shall be necessarily going, comming or abiding, within the sayd Realme of England, for the prosecution of the said Offenders.

Prouided neuertheless, That euery such offence so committed as aforesaid, shall be layd and alledged in the Indictment or other Declaration to bee done and committed in the Realme of Scotland, according to the trueth of the Fact, and not in the Counties, where the triall is limitted, to be had and made as aforesaid, any thing in this Acte formerly conteined to the contrary notwithstanding.

Prouided also, and bee it further enacted, that if any his Maiesties Subiects of the Realme of Scotland, shall bee proceeded with and tryed in the Realme of Scotland, vpon the prosecution of any party grieued, and vpon euidence in open Court for any offence done or committed within the Realme of England, that no such person shall bee eft-soones called in question, or proceeded with for the same fact within the Realme of England, But that it shalbe lawfull for euery such person, to plead and alleadge for himselfe vpon his arraignement, that hee was formerly lawfully Acquited, Conuicted, or Attainted of the same offence within the Realme of Scotland, And that thereupon all further proceeding shall stay vntill the Court haue sufficiently informed themselues

themselues by Certificate from the realme of Scotland, or by any other good wayes, and meanes of the trueth of the said allegations, which if they shall find true, the said person shall be forthwith discharged of all further impeachment or proceeding.

And bee it further enacted by the authoritie aforesaid, that no naturall borne Subiect of the Realme of England or the Dominions of the same, shall for any high Treason, Imprision, or Concealement of high Treason, petrie Treason, or any other whatsoeuer offence, or cause committed within Scotland, be sent out of England, where he is apprehended, to receiue his tryall, vntill such time as both Realmes shall be made one in Lawes & Gouernment; which is the thing so much desired, as that wherein the full perfection of the blessed Union already begunne in his Maiesties Royall person consisteth. And because there is too great reason to feare, that the partiality and corruptions of many that liue in those parts, thorough their long and euill course of life, cannot but produce much and frequent periurie at such trials as aforesaid, if the Jurie in their proceeding doe not vse great Wisdome and Circumspection, in which respect it is most iust and necessary to prouide as well that the guilty shall not escape, as that the innocent shall not be condemned:

Bee it therefore prouided and enacted by the authority aforesaid, That at all such trials, the Jurors then and there sworne, or the greater part of them, (who in respect of the great trust and charge which must now be layed vpon them are by vertue of this Act as before appeareth, to be persons of better condition and qualitie, then the Law required heretofore for Jurors in trials of like offences,) shall haue in their power and election according to their conscience

ſcience and diſcretion vpon their oathes, to reteiue and admit onely ſuch ſufficient, good and lawfull witneſſes vpon their oathes, either for, or againſt the partie arraigned, as ſhall not appeare to them, or the greater part of them to bee vnfit and vnworthy to bee Witneſſes in that caſe, either in regard of their hatred and malice, or their fauour and affection, either to the partie proſecuting, or to the partie arraigned, or of their former euill life and conuerſation.

Prouided alſo, and be it further enacted, that if the Offendor in any the caſes aforeſaid, ſhall be a Peere of the Realme, then his triall therein ſhall bee by his Peeres, as is vſed in caſes of Felony or Treaſon, and not otherwiſe.

C An

An Acte for the true making of Wollen Clothes.

CHAP. II.

For the auoyding of many inconueniences happening to his Highnes Subiects, exercising the Mysterie and Trade of making and Working of Woollen Clothes, of diuers names and natures, and that the buyers of such Clothes may haue true and iust commerce without fraude or deceit, It pleaseth his most Excellent Maiestie, With the consent of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, That it bee enacted, and by the authoritie of the same it is enacted, that from and after foureteene dayes next after the end of this Session of Parliament, euery long Broad Cloth and Clothes, which shal be made of dyed Woolles, and mingled colours, within any of the Shires of Kent, Yorke, or at the Towne of Reading, or elsewhere of like making, shall conteine in length at the Water, euery piece being throughly wette, betweene thirtie and foure and thirtie yardes, euery yarde, yarde and inch of the Standard and no more, and in bredth, sixe quarters

nes and a halfe of a yarde at the leaſt within the Liſtes, by the whole length of the ſame Cloth. And that euery piece of the ſame Cloth being well ſcowred, thicked, milled, and fully dried, ſhal be in weight eighty ſixe pounds at the leaſt.

And that euery White Cloth, which ſhall be made within the Cities of Worceſter, Couentrie, and Hereford, commonly called Long Worceſters, or elſewhere of like making, ſhall conteine in length being wette, betweene thirtie and thirtie three ſuch ſayd yardes and inches as aforeſaid, and ſhal be in bredth ſeuen quarters throughout all the whole Cloth, and being cleane ſcowred, thicked, milled and fully dried, ſhall weigh ſeuentie eight pounds at the leaſt.

And, that all and euery long coloured Clothes, commonly called Plunkets, Azures and Blues, and long white Clothes, which ſhall be made in any of the Shires of Suffolke, Norfolke, and Eſſex, or elſewhere of like making, ſhall conteine in length being wette, betweene twentie nine and thirtie two ſuch yardes and inches as is aforeſayd, and ſhall be in bredth ſixe quarters and one halfe quarter within the Liſtes at the leaſt, and being well ſcowred, thicked, milled, & fully dryed, ſhall weigh eightie pounds at the leaſt. And that all and euery ſhort Clothes coloured, and ſhort White Clothes, commonly called kitting clothes, which ſhall bee made in any of the Shires laſt before mentioned, or elſe where, of like ſort and making, ſhal conteine being wette, in length betweene twentie three and twenty ſixe ſuch ſayd yardes and inches as is aforeſayd, and in bredth throughout the whole piece, ſixe quarters within the Liſtes at the leaſt, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh ſixtie foure pounds the Cloth at the leaſt.

And that all and euery short Clothes coloured, and short White Clothes, commonly called fine short Suffolkes, which shall bee made in the Shires last before mentioned, or elsewhere of like making, shall containe being wet, in length betweene three and twentie and fiue and twentie such said yardes and inches, as is aforesaid, and in breadth throughout the whole Piece, fiue quarters and a halfe within the Lists at the least, and being well scowred, thicked, milled, and fully dried, shall weigh sixtie foure pounds the Cloth at the least. And that euery such sorting short Cloth, shalbe differenced from the said fine Clothes last before meytioned, by a Blewe seluedge or edging on both Listes. And that euery White Cloth, which shall bee made within the same mentioned Shires, or elsewhere of like making, commonly called Handywarpes, shall containe in length betweene twentie nine and thirtie two such said yards, and inches as is aforesaid, and in breadth, seuen quarters, and being well scowred, thicked, milled and fully dried, shall weigh seuentie fiue pounds at the least. And that all broad Plunkets, Azures, Blewes, and other coloured Cloth, which shall bee made within the Shires of Wiltshire and Somersetshire, or elsewhere of like making, shall containe being throughly wet, betweene twentie fiue and twentie eight such yardes and inches as is aforesaid, and in breadth fiue quarters and a halfe within the Lists, and being well scowred, thicked, milled, and fully dried, shall weigh sixtie eight pounds the Cloth at the least. And that euery Cloth commonly called short Clothes, which shall bee made of died woools, and mingled colours, within the Countie of Yorke, or elsewhere of like making, shall containe in length, being throughly wet, betweene twentie three, and

twentie

twentie fiue such yards and inches as is aforesaid, and in breadth sixe quarters and an halfe betweene the Lists, and being cleane scowred, thicked, milled, and fully dried, shal weigh sixty six pounds the Cloth at the least, and euery halfe Piece thereof, commonly called Dozens, to bee made and wrought after the same rate in euery respect.

And that all broad listed whites and Reds which shall bee made in any of the Counties of Wiltshire, Glocestershire, Oxfordshire, and the Easterne limits of Somersetshire, or els where of like making, commonly called sorting packe broad listed Clothes, shall containe in length being wet, betweene twenty sixe and twentie eight such said yards and inches as is aforesaid, and shall bee in breadth sixe quarters and a halfe throughout the whole Cloth at the least, and being cleane scoured, thicked, milled, and fully dried, shall weigh euery piece of the same Cloth sixtie foure pounds the Cloth at the least. And that all narrow listed whites and Reds which shalbe made in Wiltshire, Glocestershire, Oxfordshire, and the Eastern limits of Somersetshire, or elsWhere of like making, commonly called Sorting packe Clothes, shall containe in length being wet, betweene twenty sixe and twenty eight such said yards and inches as is aforesaid, and shall be in breadth within the lists, sixe quarters and a halfe throughout the whole Cloth at the least, and listed with narrow lists, as hath beene accustomed for Sorting pack Clothes, and being cleane scowred, thicked, milled, and fully dryed, shall weigh euery piece being white, sixty one pounds at the least, and being Red shall weigh sixtie pounds the piece at the least.

And that euery fine Cloth with plaine lists made in the Counties of Wiltshire, Glocestershire, Somerset

merſetſhire, and Oxford, or elſewhere of like making, ſhall conteine in length betweene twenty nine and thirtie two ſuch ſayd yards and inches as is aforeſaid, and in bredth fiue quarters and a halfe betweene the liſts throughout the whole Cloth, and being cleane ſcowred, thicked, milled, and fully dryed, ſhall weigh ſeuenty two pounds at the leaſt. And that all and euery Clothes, hauing ſtoppe liſts and not plaine liſts, ſhall conteine in length betweene thirtie, and thirtie three of ſuch ſaid yards and inches as is aforeſaid, and in bredth ſeuen quarters within the liſts, throughout the whole Cloth, and in weight, ſeuentie eight pounds at the leaſt, as all Worceſter Clothes are limitted; And that euery Broad cloth commonly called Tauntons, Bridgewaters, and Dunſters made in the Weſterne parts of Somerſetſhire, or elſe where of like making ſhall conteine being throughly wet, betweene twelue and thirteene ſuch ſaid yards and inches as is aforeſaid, and in bredth ſeuen quatters of a yard at the leaſt, and being well ſcowred, thicked, milled, and fully dryed, ſhall weigh thirtie pounds the Cloth at the leaſt. And euery narrow Cloth of like ſort and making within the ſaid Countie of Somerſetſhire, or elſe where, ſhall conteine in length being throughly wet, betweene twentie foure and twentie fiue ſuch yards and inches as is aforeſaid, and in bredth one yard within the liſts at the leaſt, and liſted with a narrow liſt, and well ſcowred, thicked, milled, and fully dued, ſhall weigh thirty pounds a piece at the leaſt, and the halfe Cloth thereof to bee of a proportionable length and weight, and of like bredth as aforeſaid: And that all ſuch like Broad-clothes, and Narrow-Clothes laſt before mentioned, made within the Countie of Yorke, into Whites and Reds, the broad

Cloth

cloth to hold the same lengths, bredth, and weight, but the narrow cloth to bee allowed by this Statute to conteine betweene seuenteene and eighteene yards of like measure, bredth, and in weight proportionable as aforesaid.

And that all Deuonshire Kerseys called Dozens, shall conteine in length at the water betweene twelue and thirteene such sayd yardes and inches as is aforesayd, and being well scoured, thicked, milled, and fully dried, shall weigh thirteene poundes the cloth at the least: And all Clothes, called Checke Kerseys Straits, and plaine Grayes, shall conteine in length at the water, betweene seuenteene and eighteene such sayd yards and inches as is aforesaid, and in breadth one yard at the least by all the length, and being well scoured, thicked, milled, and fully dried, shall weigh twenty foure pounds the piece at the least. And that all Clothes, called Ordinary Penstones, or Forrests whites, shal conteine in length in the water, betweene twelue and thirteene such sayd yards and inches as is aforesayd, and in breadth fiue quarters and a halfe, and being cleane scoured, thicked, milled, and fully dryed, shal weigh twenty eight poundes the piece at the least: And that all Penstones, called Sorting Penstones, shall conteine in length in the water, betweene thirteene and foureteene such yards and inches, and shall bee in breadth fiue quarters and a halfe, and being cleane scoured, thicked, milled, and fully dried, shal weigh thirty fiue pounds the piece at the least.

And be it likewise enacted by the Authoritie aforesaid, That all Cogware-Kendall, and Carptmeales shall from henceforth be made in such sort as shall best please the Buyer, and shall not bee searched, or sealed, or bee subiect to any other penaltie then such

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as was imposed theron before the nine and thirtieth yeere of our late Soueraigne Ladie Queene Elizabeth, so as they shrinke not aboue one yard for euery twentie yards.

And bee it enacted by the Authoritie aforesayd, That all Kerseys, called washers, or wash whites, made within the Counties of Yorke, Lancaster, or elsewhere of like making, shall conteine in length at the water, being halfe thicked, betweene seuenteene and eighteene yards of the measure aforesayde, and being quarter thicked, shall conteine betweene eighteene and nineteene such yardes and inches as is aforesayd, and being cleane scoured, and fully dryed, shall weigh seuenteene pounds the piece at the least. And that no Cloth-worker, Shereman, or Fuller, shall raise or rowe, or cause to be raised or rowed any kinde of Clothes or Kerseys in or with any Oyles, Goose-grease, Swines-grease, or any such like thing of any kinde of Greases or Oyles, but shall sheare the same Cloth kersey plaine & streight, without laying in or laying on any of the aforesayd oyles, goose-grease, Swines-grease, or any other liquid or moyst thing, but onely vpon the edge of the Sheeres with semet or oyles, vpon payne to forfeite for euery time so doing contrary to the true meaning of this Statute, thirteene shillings foure pence. And that no Cloth Worker, Shereman, or Fuller, shall raise, full, or rowe, or sheere the liftes and sides of Clothes and Kerseys better then the middest, but shall worke all alike, vpon paine of forfeiting for euery Cloth Kersey plain and streight, done contrary to the true meaning of this Statute, thirteen shillings foure pence: And that no Cloth-worker, or any other person or persons whatsoeuer, shall haue or vse for the cutting or taking away of the Wooll from the backsides of a-

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ny Clothes and Kerseyes, any Knife or Knives, Rubber, or Rubbers, Pumistone, or any other deuice whatsoeuer, but onely to sheere the same backeside with a paire of Sheeres, on paine of forfeiting for euery piece wherein or whereupon the same shal bee so done, the summe of thirteene shillings foure pence.

And be it further enacted by the Authoritie of this present Parliament, that no Clothworker, Shereman or Fuller, or any other person or persons whatsoeuer, shal from and after the Feast of Saint John Baptist next ensuing the end of this present Session of Parliament, blow, spout, or bedewe any kinde of Broadcloth, or Kersey, on the sides, and edges neere the Lists thereof, with any water, or other liquid or moyst thing whatsoeuer, whereby the edges or sides of any Cloth or Kersey, may make shew to be better then it is, in the ridge, crest, or midst thereof, vpon paine to forfeit for euery such offence, the summe of thirteene shillings foure pence of lawfull money of England. And if any person or persons shall blow, spout, wet, or bedew, or cause to bee blowed, spouted, wet or bedewed with any liquid or moist thing, any kind of Cloth or Kersey, of whatsoeuer Countrey, making or name, for increase of Weight, thereby to deceiue the Buyers or Searchers, such person or persons shall forfeit, and loose for euery such Offence, the Summe of fortie shillings of like lawfull money of England.

And be it further enacted by the Authoritie aforesaid, that all the said White Clothes, and coloured Clothes which by this present Acte are not limitted, and appointed to bee wrought, dressed, and shorne, shall haue allowance, and abatement, for the Dying, Dressing, Rowing and Shearing thereof, for euery

such

ſuch ſaid ſhort broad woollen Clothes, foure pounds in weight and no more, and the long Clothes fiue pounds, and no more, and ſo after that rate in all and euery the ſame halfe Woollen Cloth, Kerſey, and other the ſaid woollen Cloth.

Be it alſo enacted by the Authoritie aforeſaid, That it ſhall and may be lawfull to and for any perſon or perſons, lawfully exerciſing the Trade or Arte of a Clothier, or making of Clothes, to make Flore, Thrummes, and Lambes Wooll into Cloth of one onely kinde or making, which ſhall contein in length, being throughly Wet, betweene twelue and thirteene ſuch yards and inches as is aforeſaid, and in breadth one yard at the leaſt within the liſtes, and being cleane frowzed, thicked, mulled, and fully dryed, ſhall weigh fifteene pounds the piece at the leaſt.

And for the better and more eaſie diſtinction and knowledge of euery ſuch Cloth from Cloth made of perfect Wooll, euery Cloth made of Flore, Thrums, and Lambes Wooll, ſhall haue the one liſt wholy of blacke Yarne, and on the other ſide a ſeluedge onely. And that from henceforth no perſon or perſons ſhall put any Haire, Flore, Thrummes, or any Yarne made of Lambes Wooll or other deceiueable thing or things in or vpon any other broad woollen Cloth, halfe cloth, Kerſey, Frize, Dozen, Bayes, Pennyſtone, Cotton, Taunton cloth, Bridgewater, Dunſter Cotton, or other cloth of what nature, kinde or name ſoeuer made to be ſolde, and ſolde, not being made and liſted with ſuch blacke Liſt and ſeluedge as aforeſaid, vpon paine to forfeit euery ſuch of the ſaid Woollen Cloth, halfe cloth, Kerſey, Frize, Dozen, Pennyſtone, Cotton, and other Woollen cloth of what nature, kinde, and name ſoeuer, other then

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ſuch as ſhall be liſted and made as aforeſaid, whereinto or vpon which any ſuch Haire, Floxe, Thrums, Yarne of Lambes Wooll, or other deceiueable thing ſhalbe put or vſed, or the value thereof.

Prouided alwayes, that in ſuch Townes, places and Counties, where Flannel, Wadnals, and Couerlets or Blankets are vſually made, the ſame may be made in ſuch ſort, as heretofore hath beene lawfully vſed and accuſtomed: This Statute or any thing therein conteined to the contrarie thereof in any wiſe notwithſtanding.

And if any of the ſaid broad Woollen Clothes, or halfe Cloth, or any other kinde of Woollen clothes, Dozens, Cottons, or other ſorts of Woollen cloth before mentioned in this preſent Acte, of what nature, kinde or name ſoeuer they be of, made to be ſolde, and ſolde, ſhall bee more in length then is therefore reſpectiuely limited and appointed in this preſent Acte, then euery perſon or perſons ſelling the ſame, ſhall forfeit and pay for euery yard and inch, exceeding the length ſo appointed, the ſumme of ten ſhillings and no more.

And if any ſuch Cloth ſhal not weigh proportionably for euery ſuch yard and inch to the ſeuerall and reſpectiue Weight to them ſo limited and appointed, then the ſaid perſon or perſons ſelling the ſame, ſhall forfeit and loſe for euery pound weight that ſhall be wanting aboue two pounds, the ſumme of ten ſhillings and no more, any former Law or Statute to the contrary thereof in any wiſe notwithſtanding.

And if any ſuch Cloth before mentioned, not exceeding the ſeueral lengths to them by this Statute limited or appointed, and holding the ſeuerall and reſpectiue weight limited, and appointed, doe yet fortune to want of the iuſt bredth limited, or appointed,

ted, then the sayd person or persons, selling the same, shall forfeit and lose for euery cloth falling narrowe throughe the whole cloth, twenty shillings, and throughout halfe the cloth tenne shillings, and vnder halfe the cloth, fiue shillings onely and no more, any former Lawes, or Statutes inflicting other or greater penaltie or penalties to the contrary thereof in any wise notwithstanding.

And if any cloth or clothes, of any the names, natures, or making aforesayd, which by this Statute, or any clause or Article therein, or any other Statute now in force and not repealed, shall vpon due and conuenient triall, within conuenient time after sale thereof, in presence of the partie that sold the same, or other person or persons by him appointed, if hee or they will be present at the search and triall thereof, or if he or they will not be present, hauing reasonable notice, then in his or their absence bee found to bee of lesse length, then the Seale or Seales theron fired at the time of the sale thereof doe purport, then the owner, or person or persons selling the same, shall forfeit and lose to the Merchant, Draper, or other person or persons that shall haue bought the same, for so much as shall bee wanting of the length specified in the Seale or Seales of the sayd cloth, after the rate of sixe shillings eight pence for euery yard, ouer and besides the true value of so much of the sayd cloth or clothes, as shall bee found wanting of the length certified by the sayd Seale or Seales, and no more: Any former Lawe or Statute inflicting other or greater penaltie to the contrary thereof in any wise notwithstanding.

And bee it further enacted by the authority of this present Parliament, that al and euery branch, clause, and sentence, in any former Statute, whereby any

other

other length, bredth, or weight of the Clothes before mentioned, or any of them, or any other penaltie or forfeiture concerning the length, bredth, or weight of the foresaid clothes, or any of them, or any other offence by this Act intended to be reformed, is limited, or whereby any penaltie or forfeiture for the offences in this Bill mentioned, or any of them, are giuen to any other person or persons, then in and by this Statute is limited and intended, shalbe from henceforth vtterly repealed and made voyd.

And be it further enacted by Authority of this present Parliament, that none of the clothes aforesaid, which by the Lawes and Statutes of this Realme ought to bee Sealed, of what Name, Nature, or Quality soeuer they be of, being sealed by the Ouerseers authorized as well by a Statute made in the nine and thirtieth yere of the Reigne of our late Soueraigne Lady Queene Elizabeth, intituled, An Act against the deceitfull Stretching and Taintering of Northren cloth; as also by a Statute made in the three and fourtieth yeere of her sayd Reigne, intituled, An Acte for the true Working and making of Woollen cloth, shall afterward be searched, tried, or watered by any other person or persons whatsoeuer, but onely by the Merchant, or Draper, or other person to whom the same shall bee solde: And that if any Woollen cloth vpon the search by the Searchers or Ouerseers of the Cities, Counties, Townes, or places where the Cloth is made, shall be found either to exceede the length, or to want of the Weight by this Statute limited, the said Searchers or Ouerseers finding and certifying the sayd ouerlength, and the weight that shall want, or such of them wherein the offence shall happen to haue been committed, by his or their Seale or Seales,

ſhall haue the one moytie of all ſuch penalties and forfeitures, as by this Statute are giuen, limited, and appointed for exceſſe of length, or want of weight, and no other perſon or perſons, and ſhall or may ſue for, and recouer the ſame by Action of Debt, Bill, Plaint or Information, in any of his Mateſties Courts of Record at Weſtminſter, Wherein no Eſſoyne, Protection or Wager of Law ſhall bee allowed, And our Souereigne Lord the Kings Mateſtie, his Heires and Succeſſors, ſhall haue the other moytie.

And alſo if any Woollen-cloth or Clothes of any the natures, names, or makings aforeſayd, ſhall after ſuch ſearch in the Countrey or other place aforeſaid, be found to bee faulty in any thing not certified, and appearing by the Seale, or Seales of the ſaid Ouerſeers, and Searchers by the Merchant, or Draper or other perſon or perſons buying the ſame, vpon due and conuenient triall within conuenient time, after the ſale thereof in preſence of the partie that ſold the ſame, or of other perſon or perſons by him, or them to be appointed, if he or they will bee preſent at the ſearch and triall thereof, or if he or they will not bee preſent, hauing reaſonable notice giuen, then in his, or their abſence, the ſaid Merchant or Draper, or other perſon that bought the ſame, and no other, ſhall haue the one moitie of all the penalties and forfeitures by this Statute impoſed, and incurred, and not become due to the Ouerſeers and Searchers aforeſaid, to his owne onely proper vſe and behoofe, Any former Statute, matter or thing whatſoeuer to the contrary hereof, in any wiſe notwithſtanding; And alſo ſhall or may ſue for, and recouer the ſame in any of his Mateſties Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or

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Information, wherein no Essoyne, Protection, or wager of Law shall be allowed, And his Maiestie, his heires and Successours shall haue the other moitie.

And forasmuch as of late it hath beene reputed, that a broad woollen cloth, should and ought to consist of foure and twentie such yardes and inches as aforesaid, and not aboue, and payments and other duties haue bene accordingly demaunded, and paid for the same: Be it therefore enacted by the Authoritie aforesaid, that if any broad Woollen cloth, bee made longer or shorter then foure and twentie such said yardes and inches, all duetie and payments hereafter to be paide for the same, shall be demaunded and made proportionable, according to the rate and proportion of foure and twentie such said yardes and inches, for a whole cloth and not otherwise.

And whereas by this, and diuers other Statutes concerning Draperie and Clothing, it is enacted that all and euery Broad cloth and Clothes, which shall be made in Kent and Sussex, or at the Towne of Reading, or elsewhere of like making, shall bee of a certaine length, breadth, and weight, in this or other the said Statutes, expressed and limitted, And in like sort for Woollen clothes most vsually made in some other Counties or Townes, are first, specially and particularly named in this and other the said Statutes, And after follow these wordes (or elsewhere of like making) importing that it should bee lawfull for any Clothier of whatsoeuer Towne or Countie within this Realme to make Cloth of like making, and accordingly the same hath heeretofore beene put in vre: Yet forasmuch as of late some doubt hath thereupon risen, Be it therefore explained and enacted, that it is and shall bee lawfull for e-

uery Clothier of what Towne or Countie so euer within this Realme, where Clothing hath heretofore beene vsed, to make, or cause to bee made, any true Woollen cloth, of What name, nature, or maner of making so euer the same be, Albeit the same kind of Woollen cloth doe beare specially the name of some other Countie, Citie or Towne within this Realme. This Act to continue vntill the end of the first Session of the next Parliament.

Prouided alwayes, and be it enacted by the Authoritie aforesaid, That neither this Acte, nor any thing therein contained, shall extend to abridge or diminish any Customes, or Dueties apperteining to our Soueraigne Lord the Kings Maiestie, his Heires, or Successors, or to any his Officers, or Ministers, for the searching, measuring or sealing any the Clothes before mentioned, nor to hurt or preiudice the lawfull Fees, due or belonging to his Maiesties Aulneger, or to hurt, or preiudice the lawful vse and exercise of the Office of Aulneger, so as after any Cloth once lawfully searched, and lawfully sealed, the same be not compelled to be further viewed, searched, measured, or sealed.

An

An Act to giue costes to the Defendant vpon a Nonsuit of the Plaintiffe, or a Verdict against him.

CHAP. III.

WHeras in the three and twentieth yeere of King Henrie the eight of famous memorie, a good and profitable Law was made, whereby it was enacted, That in Cases where the Plaintiffe in any Action, Bill, or Plaint of debt, trespasse vpon the Case, deteinue, account, and in some other Actions therein especially mencioned, should become Nonsuite, or a Verdict should bee had against the sayde Plaintiffe, That then in such cases the Defendant should haue iudgement to recouer his costes against euery such Plaintiffe, as by the sayde Law appeareth; which Law hath beene found to be very good and beneficiall for the Common Wealth, and thereby many haue beene discouraged from bringing friuolous and vniust Suites, because such parties are to make recompense to the parties vniustly vexed for the sayd vniust vexations:

And forasmuch as Actions of Trespasse, and Actions of Eiectione firmæ, and many other Actions reall

and perſonall, are within the ſame miſchiefe, as the ſayd other Actions were at the Common Law, and yet were omitted out of the prouiſion of the ſayde Law: For remedy whereof bee it enacted by the Kings moſt excellent Maieſty, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the Authoritie of the ſame, That if any perſon or perſons at any time after the end of this preſent Seſſion of Parliament, ſhall commence or ſue in any Court of Record, or in any other Court, any Action, Bill, or Plaint of Treſpaſſe, or Eiectione firmæ, or any other Action whatſoeuer, wherein the Plaintiffe or Demaundant might haue coſtes, if in caſe Iudgement ſhould be giuen for him, And the Plaintiffe or Plaintiffs, Demaundant or Demandants, in any ſuch Action, Bill, or Plaint, after appearance of the Defendant or Defendants, be Non-ſuited, or that any Verdict happen to paſſe by any lawfull triall againſt the Plaintiffe or Plaintiffes, Demaundant or Demaundants in any ſuch Action, Bill, or Plaint, That then the Defendant and Defendants in euery ſuch Action, Bill, or Plaint ſhall haue Iudgement to recouer his coſtes againſt euery ſuch Plaintiffe and Plaintiffes, Demaundant and Demaundants, to bee aſſeſſed, tared, and leuyed in manner and forme, as coſtes in the ſayd Actions are to be aſſeſſed, tared, and leuyed in and by the ſaid Law of the three and twentieth yeere of King Henry the eight.

An

An Act to restraine the vtterance of Beere and Ale to Alehouse-keepers and *Tiplers not licenced.*

CHAP. IIII.

For the better repressing of Alehouses, Whereof the multitudes & abuses haue beene and are found intolerable, and still doe and are like to increase, Be it enacted by the Kings most excellent Maiestie, and the Lords Spirituall & Temporall, & the Commons in this present parliament assembled, & by the authority of the same, that no person nor persons by himselfe, or by any other wayes or meanes, directly or indirectly, shall at any time after three monethes, next after the ende of this present Session of Parliament, sell, vtter, or deliuer, or cause to bee sold, vttered, or deliuered any Beere or Ale, to any person or persons, or into the House or Cellar of any person or persons, that then shall sell, or vtter Beere or Ale, as a common Tipler, or Alehouse keeper, the same person not hauing any Licence then in force to sell Ale or Beere, other then for the conuenient vse, and expence of his, her, or their household only, vpon paine to forfeit for euery barrel sold, vttered or deliuered contrarie to the

forme

forme and true meaning of this Acte, the Summe of sixe shillings eight pence, and so after that rate for a greater or lesser quantitie.

And be it further enacted by the Authoritie aforesaid, that all offences to bee done, or committed, contrary to the true meaning of this Acte, and all penalties aforesaid shalbe enquired of, sued for, heard and determined in the Sessions of the Peace for the Countie, Citie or Borough, Towne or Libertie, or in the Court of Recorde of the Citie, Borough, Towne or Libertie, wherein such offence shall bee committed, by Action of Debt, Information, Indictment, or Presentment, wherein no Essoine, Protection, or Wager of Law shall bee allowed to the Defendant: And the one halfe of all which forfeitures shall be to the vse of the poore people inhabiting within the Citie, Borough, Hundred, Towne, or Libertie, where such offence shall bee committed from time to time, and the other halfe therof to him, or them, that will sue for the same.

And to the end that the said one halfe of the said forfeitures aboue limited to be to the vse of the said poore people, may bee truly imployed and bestowed vpon them, according to the true meaning of this Act, Be it further enacted that the Shiriffe, Bailiffe, or other Officer or person that shall leuy or receiue any summe or summes of money forfeited, and recouered according to the true meaning of this Acte, shall and may by vertue of this Acte, without further warrant, deliuer the one halfe of the same summe and summes of money by him, or them so leuyed or receiued, to some one, or more of the Churchwardens and Ouerseers of the poore of the same Parish where the same Offence shall be committed, to bee by them and euery of them distributed

and

and bestowed amongst the said poore people, according to the true meaning of this Act, who shall likewise haue authoritie by vertue of this Acte to distribute and bestow the same accordingly.

And be it further enacted, that euery Sheriffe, Bayliffe, and other Officer and person which shall leuie or receiue any such forfeiture or forfeitures aforesaid, and shall pay ouer the moytie and one halfe thereof according to the true meaning of this Acte, shalbe thereof discharged against the Kings Maiestie, his Heires and Successors.

And be it further enacted, that if any Sheriffe, Bayliffe, or other Officer or person shall refuse to pay ouer the moytie and one halfe of the sayd money by him or them leuyed or receiued, or that the sayde Churchwardens and Ouerseers, to whom the said money shall bee so payd, shall not from time to time within conuenient time truely distribute and bestow the same, to and amongst the poore people, according to the true meaning of this Acte, that then euery person so offending, shall forfeit double the value thereof to be recouered and imployed as aforesaid.

An

An Acte for repreſſing the odious and loathſome ſinne of Drunkenneſſe.

CHAP. V.

WHereas the loathſome and odious ſinne of Drunkenneſſe is of late growen into common vſe within this Realme, being the roote and foundation of many other enormious ſinnes, as bloodſhed, ſtabbing, murder, ſwearing, fornication, adultery, and ſuch like, to the great diſhonour of God, and of our Nation, the ouerthrow of many good Artes and manuell Trades, the diſabling of diuers Workemen, and the generall impoueriſhing of many good Subiects, abuſiuely waſting the good creatures of God, Be it therefore enacted by the Kings moſt Excellent Maieſtie, the Lords Spirituall and Temporall, and Commons in this preſent Parliament aſſembled, and by the Authoritie of the ſame, That all and euery perſon or perſons, which after fortie dayes next following the end of this preſent Seſſion of Parliament, ſhalbe drunke, and of the ſame offence of Drunkenneſſe ſhalbe lawfully conuicted, ſhall for euery ſuch offence forfeit and looſe fiue ſhillings of lawfull money of England, to bee payd within one Weeke next after his, her, or their

conuiction thereof, to the handes of the Church-wardens of that Parish where the offence shall be committed, who shall bee accomptable therefore to the vse of the poore of the same Parish. And if the said person or persons so conuicted, shall refuse or neglect to pay the said forfeiture as aforesaid, then the same shall bee from time to time leuyed of the goods of euery such person or persons so refusing or neglecting to pay the same, by Warrant or Precept from the same Court, Iudge or Iustices, before whom the same conuiction shall be. And if the offendor or offendors be not able to pay the said summe of fiue shillings, then the offendor or offendors shall be committed to the Stockes for euery offence, there to remaine by the space of sixe houres.

And be it further enacted by the Authoritie aforesaid, that if any Constable, or any other inferiour Officer of that Parish or place, where the offence shall be committed, to whom that shall be giuen in charge by the Precept of any Mayor, Bailiffe, other head Officer or Iustices of the Peace within their seueral limits, doe neglect the due correction of the said Offendour, or the due leuying of the said penalties, where distresse may be had, then euery person so offending, shall forfeit the Summe of ten shillings of currant money of England, to the vse of the poore of the same Parish, or place where the offence shall bee committed, to be leuied by way of distresse by any other person or persons, hauing Warrant from any Mayor, Bailiffe, or other head Officer, Iustices of Peace or Court, where any such conuiction shall bee, and to bee paide to the Church-wardens as before limitted, who are also to account for the same to the vse aforesaid.

And be it further enacted by the Authoritie aforesayd,

ſayd, That if any perſon or perſons within this Realme of England, or the Dominion of Wales, ſhal remaine or continue drinking or tipling in any Inne, Victualing houſe, or Alehouſe, being in the ſame Citie, Towne, Village, or Hamlet, wherein the ſayd perſon or perſons (ſo remaining drinking or tipling) doth dwell and inhabite at the time of ſuch drinking and tipling, and the ſame being viewed and ſeene by any Maior, or other head officer, Juſtice, or Juſtices of Peace within their ſeueral limits, or duely proued in ſuch maner and forme as is limited, in and by one Act of Parliament, made in the firſt Seſſion of this preſent Parliament, intituled, An Acte to reſtraine the inordinate haunting and tipling in Innes, Alehouſes, and other victualing houſes, vnles it bee in ſuch caſe or caſes as bee tolerated or excepted in the ſayd Acte, That then euery perſon or perſons ſo offending, ſhall forfeit and loſe for euery ſuch offence the ſumme of three ſhillings and foure pence, of currant money of England, to the vſe of the poore of the Parith where the ſaid offence ſhall be committed, to be leuied by Way of diſtreſſe, in ſuch maner and forme as is before appointed by this Act, for the leuying of the penaltie of fiue ſhillings for being drunke. And if it happen that any Offendor or Offendours, againſt the true intent of this clauſe or branch, being thereof lawfully conuicted, be not able to pay the ſaid forfaiture or forfaitures, Then it ſhall and may bee lawfull for any Mayor, Bailiffe, or other head Officer, Juſtice or Juſtices of Peace, or Court, where any ſuch conuiction ſhalbe, to punith the ſaid Offendor or offendors, by ſetting him, her, or them in the Stocks for euery ſuch offence by the ſpace of foure howres.

For the more due execution of this Statute, and for the better and more due proceeding againſt ſuch Offenders,

Offenders, all offences of drunkennesse, and of exceſſe and vnmeaſurable drinking, Bee it further enacted by the Authority of this preſent Parliament, That all the offences in this Act, and in the ſayd former Acte mencioned, ſhall bee from time to time diligently enquired of, and preſented before the Juſtices of aſſiſes in their circuit, Juſtices of the peace in their Quarter or ordinary Seſſions, and before the Maiors, Bayliffes, or other head Officers of euery Citie or Towne corporate, who haue power to enquire of Treſpaſſes, Riots, Routs, Forces, and ſuch like offences, and in euery Court Leete, and thereupon ſuch due proceeding ſhalbe againſt the offender & offenders, for their due conuiction in that behalfe, as in ſuch like caſes, vpon any Indictment or Preſentment is vſed by the Lawes of the Realme, or Cuſtomes of the Citie, Towne or place where ſuch Preſentment or Indictment ſhalbe enquired of and found.

And it is further enacted by the Authoritie aforeſayd, That if any perſon or perſons being once lawfully conuicted of the ſayd offence of Drunkennesse, ſhall after that bee againe lawfully conuicted of the like offence of Drunkennesse, that then euery perſon and perſons ſo ſecondly conuicted of the ſayd offence of Drunkennesse, ſhalbe bounden with two ſureties to our Soueraigne Lord the Kings Maieſty, his heires and Succeſſors in one Recognizance or Obligation of ten poundes, with conditions to be from thenceforth of good behauiour.

Be it further enacted by the Authority aforeſayd, That all Conſtables, Churchwardens, Headboroughs, Tithingmen, Alecunners, and Sidemen, ſhall in their ſeuerall Oathes incident to their ſeuerall Offices, bee charged in like ſort to preſent the offences contrary to this Statute.

Prouided alwayes, That this Acte or any thing therein conteined, doe not in any Wise abridge or restraine the Ecclesiasticall power or Jurisdiction, but that all Ordinaries and other Ecclesiastical Judges and Officers, shall and may proceede to inquire of, censure & punish all such offenders, according to the Ecclesiasticall Lawes of this Realme in such maner and forme as before they lawfully might doe, any thing in this Act to the contrary notwithstanding.

Prouided also, That when any of the offenders against the true intent of this Act, or any Branch or Article thereof hath been once punished, or corrected for his or her offence, by any the wayes and meanes before limitted, that then the sayd offender shall not bee eftsoones punished or corrected for the same offence by any other wayes or meanes.

Prouided alwayes, That this Acte or any thing therein conteined, shall not be preiudiciall to either of the two Vniuersities of this Lande, but that the Chancellour, Masters, and Scholars, and the Successors of them, and either of them, may as fully vse, and inioy all their Jurisdictions, Rights, Priuiledges, and Charters, as heretofore they haue, or might haue done, any thing in this Act to the contrary notwithstanding.

Prouided alwayes, That no person or persons shall be punished, impeached, or molested for any offence mentioned in this Statute, vnlesse he shall bee for the same offence presented, indicted, or conuicted within sixe moneths after such offence committed. This Act to continue vntill the end of the first Session of the next Parliament.

An

¶An Act for the repealing of ſo much of one branch of a Statute made in the firſt yeere of his Maieſties Reigne, *Intituled, An Acte concerning Tanners, Curryers, Shoomakers, and other Artificers, occupying the cutting of Leather, as concerneth the Sealing of Sheepe-skinnes, and to auoyd ſelling of Tanned Leather by weight.*

CHAP. VI.

WHereas by the ſame Statute it plainely appeareth, That the intent and meaning thereof was to make void all former Statutes made concerning Tanners, Curriours, Shoomakers, and other Artificers occupying the cutting of Leather, and to comprehend in one Statute all things mentioned in the ſame former Lawes needfull to be enacted concerning Tanners, Curriours, Shoemakers, and other Artificers occupying the cutting of Leather; And for that in diuers branches of the ſaid late Statute, touching the ſealing of Leather, amongſt many other kindes of tanned Leather therein particularly named to be ſealed, a rate is ſet downe to bee

payd for sealing of Sheepeskinnes, as if Sheepeskinnes had been by the intent of the former Lawes vsually sealed, whereas in trueth Sheepeskinnes are not meete to be sealed, nor were at any time appointed or limitted by any former Law to be sealed, because the sealing of them is a fruitlesse charge tending to the great hurt and losse to many thousand poore men, and for the good of none, but onely for the gaine of the Sealer thereof: For reformation whereof, be it enacted by our Soueraigne Lord the Kings Maiestie, and by the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, and by the Authoritie of the same, that no person or persons shall at any time hereafter incurre any penaltie, losse, or forfeiture for housing, selling, or buying of any tanned Sheepeskinnes, vnsearched, or vnsealed, so as the sayd Sheepeskinnes vnsearched and vnsealed, shalbe wrought and converted into made Wares within this Realme of England: Any thing in the said Statute to the contrarie notwithstanding.

And where since the making of the sayd Statute his Maiesties subiects haue bin much deceiued, and abused by selling of tanned Leather by Weight, the sayd Leather being neither sufficiently tanned, nor throughly dried, as it ought to bee, and before time was wont to be: Be it therefore further enacted by the Authoritie aforesayd, that no person or persons after the end of this present Session of Parliament shall vtter or sell, or cause to be vttered or sold by Weight any kind of tanned Leather whatsoeuer, vpon paine of forfeiture of the sayd Leather so vttered and sold: The said Lether or the value therof, to be recouered in any of the Kings Maiesties Courts of Record by Action of Debt, Bill, Plaint, or Information

tion, wherein no wager of Law, Eſſoine, or protection ſhall lie or be allowed, The one moitie of the ſaid forfeiture to be vnto the King our Soueraigne Lord, his Heires and Succeſſours, and the other moitie vnto ſuch perſon or perſons as ſhall ſue for the ſame.

An Act for the founding and incorporating of a free Grammer Schoole in the Towne of *Northleech in the Countie of Glouceſter.*

CHAP. VII.

HVmblie beſeech your Maieſtie, your loyal and dutifull Subiects the Inhabitantes of your highneſſe Towne of Northleech in the Countie of Glouceſter, That whereas Hugh Weſtwood late of Chedworth in the ſayde Countie of Glouceſter Eſquire deceaſed, was in his life time ſeiſed in his Demeaſne as of Fee, of and in the Rectory and Parſonage impropriat of Chedworth aforeſaid, whereunto the Aduouſon, Patronage, and right of preſentation of the Vicaredge of Chedworth aforeſayd,

ſayd, then was, and yet is appendant and belonging, and of and in all and all manner of Gleebe landes, Tenthes, Tithes, Pentions, Portions, Oblations, Obuentions, Profits, Commodities, and Hereditaments with the appurtenances, of whatſoeuer nature, kinde, or degree they be in Chedworth aforeſayd, or elſe where to the ſayd Rectory or Parſonage of Chedworth belonging or appertaining, and of and in one Meſſuage or Tenement, and one cloſe and two yards land and a halfe, With the appurtenances in Chedworth aforeſayde, late in the occupation of one James Griffith, and ſo ſeiſed as aforeſayde, by his laſt will and teſtament in Writing made, and bearing date the firſt day of May, in the firſt yeere of the reigne of our late Soueraigne Lady Queene Elizabeth, did amongſt other things giue, will, deuiſe, and bequeath all and euery the ſayd Parſonage, and premiſſes with the appurtenances vnto the right Honourable Edmund then Lorde Chandes, Sir Giles Poole Knight, Sir Thomas Throgmorton Knight, Sir Nicholas Arnolde Knight, William Rede, Walter Baſkeruile, and Henry Hodgkins Eſquires, Thomas Marſhall, Thomas Watſon, William Partridge Gentlemen, Thomas Apparry and Hugh Ratcliffe yeomen, and to their heires, and aſſignes for euer, to the onely vſe and intent, That the ſayde Deuiſees, their heires and aſſignes by and With the profites of the Premiſſes, ſhould found, erect, and maintaine one free Grammar Schoole for euer in the ſayde Towne of Northleech: By Which will the nominations of the Schoolemaſter of the ſayde Schoole was appoynted vnto the heires of the ſayde Deuiſor, and alſo the determinations of all the doubts and ambiguities that might ariſe touching his ſayde Will, was referred

to

to the Iuſtices of Aſſiſe of the ſaide Countie for the time being, to the ende the ſame might bee by them compoſed without any controuerſie in Lawe. And ſhortly after the ſaid Deuiſor died, after whoſe deceaſe the ſaid Deuiſees entred, and were of the ſaid premiſes ſeiſed by vertue of the ſaid Will: And the Inhabitants of the ſaid Towne of Northleech, according to the direction of the ſame Will, purchaſed and procured to be conueied in Fee to ſome of themſelues, and other Gentlemen of the Countrey as Feoffees in truſt for the ſaide Schoole, a conuenient houſe, garden, backſide, and little cloſe to bee the Schoolehouſe & habitation of the Schoolemaſter, After which, all the ſaid Deuiſees, but the ſaid Thomas Apparrie died, and he ſuruiuing all the reſt of the ſaid Deuiſees, and being by vertue of Suruiuor, ſoly ſeiſed of the ſaid Parſonage, and other deuiſed premiſes, ſought to defraude the ſaid truſt in him repoſed, by making a Leaſe of the ſaid Parſonage, and other the premiſſes, to one of his Sonnes for a very ſmall Rent, and by conueying the reuerſion and inheritance thereof, to one other of his Sonnes. And alſo Robert Weſtwood nowe likewiſe deceaſſed, then couſin & heire of the ſaid Deuiſor, did enter vpon the ſaid Parſonage and premiſſes deuiſed, challenging the ſame as heire vnto the ſaid Deuiſor, and ſeeking to impeach the ſaid Will, which tended to the vtter ouerthrow of the ſaid charitable and godly intent of the ſaid Deuiſour: Whereupon the then Schoolemaſter and the Inhabitants of Northleech aforeſaid, exhibited their Bill of complaint into the High Court of Chauncerie: And Sir Chriſtopher Hatton Knight, the then Lord Chancellor of England, being informed of the intent and purport of the ſaid Will, wherby all controuerſies therupon growing,

ing, were referred to the Iustices of Assise of the said Countie of Glouceſter, directed his letters to Sir Roger Manwood Knight, Lord chiefe Baron of the Exchequer, and Frauncis Wyndham, one of the Iustices of the Common Pleas, then Iustices of Assise of the said Countie, for the hearing and finall ordering of the said cause, to the end that what they should thinke fit, should stand and bee taken as an order of the said Court in that behalfe, who vpon mature and deliberate hearing and consideration of the said cause thought fit, and so certified into the said Court, that the said Schoole should bee incorporated, and that the said Parsonage & premisses should be conueied to the said Schoolemaster and his succeſsours. And that the Prouoſt and Schoollers of the Queenes Colledge in the Vniuersitie of Oxford should name, order, visite, and displace the Schoolemaster of the said Schoole and his succeſsours, for the time being. And that the reformations of all abuses, either in the said Colledge or Schoolemaster, should be referred to the Iustices of Assise of the said Countie for the time being, or one of them, which said opinion and direction of the said Iustices of Assise, was accordingly ordered by the said Lord Chancellour and High Court of Chauncerie, and after directed by Sir John Puckering Knight, then Lord Keeper of the great Seale, & since confirmed by the Right Honourable Sir Thomas Egerton Knight, Lord Elleſmere, now Lord Chancellor of England, then Lord Keeper of the great Seale.

It may therfore pleaſe your Maieſtie, that it may be enacted by your Highneſſe, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and be it enacted by the Authoritie of the same, that the said Schoole of Northleech

leech shall from henceforth stand and be incorporated, established, and founded in name, and in deede, a bodie politique and Corporate, to haue continuance for euer by the name of the Schoole-master and Vsher of the Free Grammar Schoole of Hugh Westwood Esquire in the Towne of Northleech, and by that name shal haue, hold and enioy all and euery the said Parsonage and premisses, Yards, Lands, Messuages, Tenements and Hereditaments, with the Appurtenances intended by the saide Hugh Westwood, and by the said Inhabitants to the saide Schoole (the Patronage of the Viccaredge of Chedworth onely excepted) and the Reuersion and Reuersions of the same, and all and euery Rent & Rents reserued vpon any Demise, or Demises thereof, or thereupon, made the Statute of Mortmaine, or any other Lawe or Statute to the contrary in any wise notwithstanding; And by the same name shall haue power, abilitie and capacitie to demise, lease, & grant their possessions and hereditaments, and to take, acquire and purchase, and to sue and to be sued, and to doe, performe and execute all and euery other lawful Acte and thing, good, necessary or profitable for the said Incorporation in as full and ample manner to all intents, constructions, and purposes, as any other Incorporations, or bodie politique or Corporate, fully and perfectly founded and incorporated may doe. And that William Lickebarrow Bachellor of Arts, and now Schoole-master of the said Schoole, shall be the first Schoole master of the said Schoole, and that John Stone Bachellour of Arts shall bee the first Vsher of the saide Schoole: And that they the said William Lickebarrow Schoole-master of the said Schoole, and the saide John Stone Vsher of the sayd Schoole, and their successours for the time being,

being, shall haue a common Seale for the making of such their Demises and Leases, and for the doing of all and euery other thing aboue said, touching the said Incorporation, in which shalbe ingrauen the Armes and name of the said Hugh Westwood.

And that it may be further enacted, and be it further enacted by the Authoritie aforesaid, That the said Prouost and Schollars of the Queenes Colledge in the said Vniuersitie of Oxford, and their successors for the time being, shall haue full power and lawful authoritie to nominate and appoint, and shall nominate and appoint from time to time, when and as often as the place of Schoole-master of the said Schoole by death, Resignation, Depriuation, or otherwise shall become voyd, and within one moneth after such voydance, by Writing vnder their Common and Colledge seale, one learned and meet man being a Graduat of the Vniuersitie of Oxford, to be Schoole-master of the said Schoole.

And in case the said Prouost and Schollars shall not within one moneth after such voydance, make such nomination and appointment as aforesayde: That then and so often the Justices of Assise of the said Countie for the time being, within one moneth after such default, shall and may by Writing vnder their handes and Seales, nominate and appoint some meet and learned man being a Graduat as aforesayd, to the place of Schoole-master of the sayd Schoole.

And that it may be further enacted, and be it further enacted by the Authoritie aforesaid, That the said Prouost and Schollars of the said Colledge for the time being, shall and may from time to time nominate and appoint some one learned and meete man, hauing bene trained vp in the said Vniuersitie

of

of Oxford, to bee Vsher of the said Schoole, when and as often as the same shal become voyd, by death, Deprivation, Resignation, or otherwise. And in case the said Provost and Schollars shall not within one moneth after the voydance of the place of Vsher, nominate and appoint some other such fit person thereunto; That then the saide Justices of Assise for the time being, shall and may nominate and appoint some meet man trained up in the Universitie as aforesaid, to be Vsher of the said Schoole.

And that it may be further enacted, and bee it further enacted by the Authority aforesaid, that the said Provost and Schollars for the time being, shal haue power and authority vnder their Colledge Seale to set downe, and prescribe such Orders, Rules, Statutes, and Ordinances for the Order, Rule, and good gouernment of the said Schoole, and of the Schoole-Masters, Vshers, and Schollars thereof, as to them the said Provost and Schollars and their Successors, shall seeme meete and conuenient. And that the same Orders, Rules, Statutes, and Ordinances so by them made and set downe, shall be and stand in full force and strength in Law, so allwayes that the same be not repugnant, nor contrary to the Kings Prerogatiue Royall, nor to the Lawes or Statutes of this Realme of England, nor to any Ecclesiasticall Canons or Cõstitutions of the Church of England: And that the said Provost and Schollars for the time being shall haue ful power, and authoritie to visite the said Schoole, and to order, reforme and redresse all disorders and abuses, in & touching the Gouernment of the same; and further to censure, suspend, and deprive the Schoole-Masters and Vshers of the said Schoole for the time being, as to them shall seeme iust, fit and conuenient; So

allwayes

alwayes that no visitation, Acte or thing, in or touching the same, be had or done otherwise then by the Provost himselfe and one of the Fellowes, or by two of the Fellowes at the least of the said Colledge thereunto authorized vnder the said Colledge Seale.

And that it may bee further enacted, and be it further enacted by the Authoritie aforesaid, that if any difference, controuersie, or debate touching the Premisses at any time hereafter shall happen to arise betweene the saide Provost and Schollars of the said Colledge, and the said Schoole-Master and Vsher for the time being, or either of them, or if the Inhabitants of the said towne of Northleech shall find themselues grieued, that the intent of the said Deuises is not obserued in the free and diligent teaching of their children or otherwise, and shall not after complaint thereof made to the said Provost and Schollars find and receiue in fitte time conuenient redresse therein, that then vpon the complaint of the said Inhabitants, Schoole-Master or Vsher, the Justices of Assise of the said Countie of Gloyceſter for the time being, shall haue full power to call before them both the parties grieued, and the parties complained of, and vpon hearing of the said Dissentions, Controuersies, and Complaints to compose, decide, order, and determine the same, as to them in their iudgements and wisedomes shall seeme iust and fit: and that such order, decision, and determination of the said Justices of Assise set downe in writing vnder their hands and seales, shal stand and be obserued.

And that it may be also enacted, and be it enacted by the Authoritie aforesayd, that the sayd Provost and schollars for the time being, shall haue, hold and enioy to them, and their Successors for euer, the Aduowson, Patronage, Presentation, and free disposition

ſition of the Vicarage and Churrh of Chedworth aforeſayd, and that they ſhall and may preſent their ſufficient Clerke vnto the ſayd Church & Vicarage, when and as often as the ſame ſhall be become void by Death, Deprivation, Reſignation, or otherwiſe. Prouided allwayes, that all Leaſes, Graunts, Couenants, Conueyances, Aſſurances, and Eſtates whatſoeuer, to bee had or made of the ſayd Parſonage and premiſſes, with the appurtenances, or of any part thereof, other then Leaſes for yeeres, (whereupon ſhall be reſerued to the ſayd Schoolemaſter and Vſher of the ſayd Parſonage, with the appurtenances, ſo much in one entire or ſeuerall yeerely Rent or Rents, vpon one or more demiſes, as ſhall amount to the ſumme of fiftie pounds of lawfull Engliſh money, or more, and for the ſayd Meſuage and Tenement, with the appurtenances, and other lands thereunto belonging, ſhal be reſerued ſo much in one entire or ſeuerall yeerely Rent or Rents, vpon one or more demiſes, as ſhall amount to the ſumme of twenty ſixe ſhillings and eight pence of lawfull Engliſh money at the leaſt, the ſayd ſeuerall Rents to be payable at the foure vſuall Feaſts in the yeere, by equall and euen portions, that is to ſay, at the Annunciation of S. Mary the Virgin, the Natiuitie of S. Iohn the Baptiſt, the Feaſt of S. Michael the Archangel, & the Natiuitie of our Lord, and whereunto the ſayd Prouoſt and Scholars ſhall vnder their Colledge Seale giue their conſent, allowance, or confirmation) ſhall be voide, and of none effect in the Law.

And that no leaſes whatſoeuer hereafter to bee made of the ſayd Parſonage, Tenement and premiſſes, or any part or parts thereof, other then one entire Leaſe, or ſeuerall Leaſes for the terme of one

and twenty yeres, or three liues, from the time of the making therof, once only to be made, before the Feast of the Annunciation of the blessed Virgine Mary, which shall bee in the yeere of our Lord God, one thousand fiue hundreth and ten, shall be good or effectuall any longer then such Schoolemaster as shall make such Lease, shall continue Schoolemaster there, which sayd Lease or leuerall Leases for one and twentie yeeres or three liues, being therfore permitted to be made, that by fine thereupon somewhat may be leuied towards the satisfaction and discharge of the summe of one hundreth and threescore pounds, agreed to be payd to William Westwood, Gentleman, sonne and heire of the sayd Robert Westwood, in liew and recompence of and for the nominations of the sayd Schoolemaster, and of and for all pretended right to the premisses, and of other summes and charges occasioned for perfecting of the said Incorporation, and establishment of the premisses, shal stand, and be good and effectual in the Law, any thing in these presents to the contrary thereof in any wise notwithstanding: So allwayes that there be reserued thereupon so much in yeerely Rent or Rents at the least as is aforesayd, and that the Prouost and Schollars aforesayd, and their Successors for the time being, shall and may vnder their Colledge Seale ordaine, set downe, and appoint how the Rents and Profits of the premisses shall be proportioned, diuided, and distributed, to, among, and betweene the Schoolemaster and Vsher of the said Schoole for the time being, so as the whole rent be disposed betweene them the said Schoolemaster and Vsher of the sayd Schoole.

Prouided allwayes that this Acte, nor any thing therein contained shall extend to defeate, frustrate, or

make

make void one Leaſe of the ſaid Parſonage and premiſſes, for the terme of diuers yeeres, made to John Stone, and Thomas Hill, by Henry Lord Biſhop of Carliell, John Reynolds, and John Aglionby Doctors of Diuinitie, then, and yet Feoffees to the behooſe of the ſaid Schoole, whereupon is reſerued the yeerely Rent of fiftie pounds: nor to defeate, fruſtrate, or impeach one Annuitie or yeerely Rent of thirtie pounds by yeere, out of the premiſſes, ordered and decreed to Euſtace Apparrie, Sonne of the ſaid Thomas Apparrie, for the terme of his naturall life, and for two yeeres after his diſſeaſe, in conſideration of his yeelding vp of his ſaid Leaſe, and conueyance of the ſaid Parſonage and premiſſes to the ſaid Feoffees by the direction of the right Honourable the now Lord Chancellour of England, but that they, the ſaid John Stone, and Thomas Hill, and the ſaid Euſtace Apparrie ſhall and may enioy the ſaid ſeuerall Intereſts and Eſtates, according to the purport and effect of the ſaid Leaſe, Order, and Decree, as amply to all intents and purpoſes as if this Acte had neuer beene made, Any thing in the premiſſes conteined to the contrary in any wiſe notwithſtanding.

And ſauing to our Soueraigne Lord the Kinges Maieſtie, his Heires and Succeſſors, and to all and euery other perſon and perſons, bodies politique and corporate, their Heires and Succeſſors, other then the ſeuerall heires of the ſaid Hugh Weſtwood, and of his ſayd Deuiſees, and other then all and euery other perſon and perſons, and their heires clayming any thing in the premiſſes, or any part thereof, by, from, or vnder the heires of the ſaid Hugh Weſtwood, or from, by, or vnder the ſaid Deuiſees, all ſuch Right, Title, Eſtate, Condition, Clayme, Poſſeſſi-

on, Rents, Seruices, Commons, Demaunds, Actions, Remedies, Recoueries, Interest, Profits, Commodities, Aduantages and Demaunds whatsoeuer, which they or any of them shall or may haue, or of right ought to haue, of, in, or to the said Parsonage, or any of the Lands, Tenements, and Hereditaments aforesaid, or any part or parcell thereof, or issuing, or going out of the same, or any parcell thereof, as if this Acte had neuer beene made.

¶ An Acte touching the drowned Marshes of Lesnes and Fants, in the Countie of Kent.

CHAP. VIII.

FOr that the inning & winning of the Marsh grounds lying in ỳ drowned Marshes of Lesnes and Fants in the Countie of Kent (which hath been of long time past surrounded with waters flowing and comming from the Riuer of Thames) which being inned, will better the channell of the same Thames, and be very commodious for Naugation, and both for that and the commodities there, afford much benefite to the Commonwealth, and especially

to the Citie of London, being within ten miles thereof: And for that William Burrell of Ratcliffe in the Countie of Middlesex Gentleman, hath undertaken, covenanted, and agreed with the Lords and owners of the same surrounded grounds, by Indenture made betweene the said owners and him, dated the seuen and twentieth day of February, Anno Dom. 1608. for the consideration in the sayd Indenture expressed, to doe his best indeauour at his owne costes and charges, sufficiently and substantially to inne, winne, recouer, and defend from inundation and ouerflowing of the sayde Waters all the said Marsh grounds so surrounded, before the tenth day of October, which shall be in the yeere of our Lord God according to the computation of the Church of England 1609. and hath likewise at his owne costes and charges by the said Indenture undertaken to maintaine and keepe the same for one whole yeere, to be reckoned and accompted from the time of the inning & winning of the same surrounded grounds, which cannot be duely effected without great charges, labour, and skill in the undertaker: May it therefore please the Kings most excellent Maestie, the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, by the Authoritie of the same Parliament, that it may bee enacted, and be it enacted, that it shall bee lawfull to and for the sayd William Burrell, his Heires, Executors and Assignes, and to and for euery other his and their seruants, Deputies, Carpenters, Labourers, Skilfull-men, Headmen, and Workemen, and his and their Carts and carriages, and euery of them, at the costes and charges of the said William Burrell, his Heires, Executors, or Assignes, at all and euery time and times from henceforth vntill the tenth

day of October, which shall be in the yeare of our Lorde God, according to the computation of the Church of England 1609. to inne, fence, and winne from inundation and overflowing of the said Waters, all and singular the said grounds and Marshes lying in the said drowned Marshes of Lenes and Fants now surrounded as above, according to the purport, intent, and true meaning of the sayd Indentures, at his or their will and pleasure, and for to labour, worke, and travaile, and to doe and accomplish things necessarie and behoovefull during the said time or terme, in, about, and upon the inning, fencing and winning of the said grounds and Marshes as aforesaid and every or any of them, according to the purport of the same Indenture.

And for the Inning and Fencing of the sayde grounds, and for the Inning, maynteining, and continuing of the Inning, and Fencing of the sayde grounds to be Inned as above, to cut and take so much growing Reede and Earth in any part of the said drowned Marsh, so as he or they, or any of them digge not within twentie Rods of any wall already made within that Marsh: And that immediatly after the substantiall inning, fencing and winning of the said grounds and Marshes from the sayd waters and floods as is aforesayde, the sayd William Burrell, his heires and assignes, shall have and enioy to him, his heires and assignes for ever, the one halfe of all the sayd grounds so to be Inned, according to the purport and true meaning of the sayd recited Indenture, and the other moitie shalbe, and belong to the Owners of the sayd Marsh grounds so to be Inned, according to the severall proportion of their quantities, Estates, Rights, Titles, and Interests, which they now have in the sayd Grounds so to be

Inned,

Inned, according likewise to the sayd Indenture; And that the sayd moytie so limitted, to bee and appertaine to the said William Burrell, his heires and assignes, by and after partition thereof to bee made, shalbe holden of Edmund Cooke Esquire, his heires and assignes, as of his Mannour of Lesnes and Fants in the Countie of Kent, in free locage by fealtie & one peny rent for euery acre, and not in Chiefe, nor by Knights seruice. And that further in consideration that the sayd Owners and their heires for their parts, and the sayd William Burrell and his heires for his part or moitie, shalbe put to great charges substantially and sufficiently to mainteine and repaire the Walles and Bankes of the same Marshgrounds so hereafter to be inned, for euer after the inning and partition thereof, As also in consideration of the great costes, charges, and trauaile now to bee susteined about the Inning of the same Marshgrounds, for the benefit of the Common-Wealth, the sayd Marsh grounds so to bee inned and defended from the inundation of the same waters, or such part thereof as shall be so inned and defended, shalbe discharged of all Tithes and Tenthes whatsoeuer, for and during the terme of seuen yeeres next after the inning, winning, and fencing of the same.

And bee it further by Authoritie of this present Parliament enacted, that immediatly after the substantiall inning of the said Marsh grounds, it shall and may bee lawfull for the said William Burrel his heires and assignes, and the said owners of such grounds as shall be inned, their heires and assignes, or in default of the owners vpon request thereof to be made by the said William Burrel, his heires or assignes, to resort to the Right Honorable the Lord Chauncellour of England, or Lord Keeper of the great

great Seale of England for the time being, and that by the Authoritie of this Acte, the said Lord Chauncellour or Lord Keeper of the great Seale of England, shall and may award forth a Commission to such person and persons, as to him in his wisedome and discretion shall be thought meete, to enable them to make partition and diuision betweene the said owners and Inner, their Heires, Executors, Administratours and Assignes, and also betweene the said owners, their Heires, Executors, Administratours and Assignes, according to the seuerall proportions of their quantities, rights, titles, and interests which they haue, or shall haue in the said Marsh grounds so to be inned, according to the true intent and meaning of this Statute, and the Indenture before mentioned.

Prouided, and it is further enacted by the Authority aforesayd, that euery of the sayd Owners, & the Inner, their Heires, executors, Administrators and Assignes, that shall haue any Land, or ground so to be inned, shall haue fit and conuenient wayes for passage, drift, and carriage as neede shall require, thorow the sayd Marsh grounds that shall be so inned for the vse of their grounds inned, and so to be diuidedly and proportionably allotted.

Prouided, and be it enacted by the Authority aforesaid, that all such of the said surrounded grounds as shall be by the sayd Inner, his Heires, Executors, Administrators, or Assignes, or any of them inned, & shall be assigned to any of the owners for their part or parts, and are now holden of Edmund Cooke of Northcray, in the Countie of Kent Esquire, as of any his Manors within the sayd Countie of Kent, called Leines and Fants, or of either of them, shall bee holden of him the sayd Edmund Cooke, his

Heires

heires and Aſſignes only, as of ſuch of the ſayd Manors, whereof the ſayd Marſh lands are now holden in ſuch maner and forme, and by ſuch Rents and Seruices as the ſame are now holden by fealty, and the yeerely Rent of one peny an acre, to bee payd at the Feaſt of S. Michael the Archangel yeerely.

An Acte to explaine a former Acte made the laſt Seſſion of this Parliament, Intituled, An Act to enable all his Maieſties louing Subiects of England and Wales, to trade freely into the Dominions of Spaine, Portugall, and France.

CHAP. IX.

WHereas it pleaſed our late ſouereigne Lady Queene Elizabeth of famous memory, by her Highneſſe Letters Patents vnder the great Seale of England, bearing date the ſeuenteenth day of June, in the ſecond yeere of her Highneſſe Reigne, in conſideration of the good, true, and faithfull obedience and ſeruice done by the Maior and principall Citizens of the Citie of Exceſter, as

well

well in the time of King Henry the seuenth, as of King Edward the sixt, against diuers Treasons and Rebellions mooued and stirred in those dayes, as also for the taking away, abolishing and amouing of many and sundry absurdities and inconueniences, which within the said City and County did increase, by reason of the excessiue number of Artificers, and other inexpert, ignorant and vnworthy men, which did take vpon them to vse the Art, science, and mysterie of Merchandize and traffique of Merchant wares, to the great detriment of the Common wealth of this Realme of England, and to the manifest impouerishment of the said Citie; to incorporate certaine Merchants therein named, and their successors (being Citizens and inhabitants of the said City and County) and to giue and grant vnto them the perpetuall name of the Gouernors, Consuls and societie of the Merchants Aduenturers of the City and County of Excester, traffiquing the Realme of France, and the dominions of the French King: which saide Incorporation or company of Merchants are found to be of great vse, honour and seruice to the State in generall, as well in the aduancement of his Maiesties Customes, as also for that the said Incorporation for the space of fourtie and fiue yeeres haue releeued twelue poore men with gownes, money, and other necessaries to their great comfort, and doe still yeerely so apparell and comfort them, and by their said Charter they are bound to continue and keepe the same for euer: And likewise they haue, and doe, not onely charitably from time to time let vp sundrie yong Merchants with the loane of money, at their first entrance into the trade, but also haue raised, and also do raise diuers ancient Merchants, who by losses

at

at the sea haue beene decayed, by meanes whereof they haue proued afterwards profitable both to the King in Customes and other payments, and good members to the Common wealth of the sayd Citie. And for that many particular Merchants of the said Corporation, haue in the time of dearth and scarcity of Corne, aduentured great summes of money, out of their owne priuate stockes, for Corne into forreine kingdomes, for the releefe of the poore, as well of the sayd Citie, as of the Countie of Deuon, to whome they haue sold the same Corne, in time of great dearth and necessitie, sometimes for two shillings sixe pence, three shillings, and three shillings foure pence lesse in euery bushell, then the prices in the markets haue then beene. And further, for that sundrie members of the sayd Fraternitie haue by their wils and Testaments giuen diuers summes of money to the sayd Company to good vses, which must returne to their Executors, if this Company be dissolued, as also for that the sayd societie hath from the beginning thereof beene euer found comfortable to all and offensiue to none, Therefore whereas in the last Session of Parliament holden at Westminster in the third yeere of his Maiesties Reigne, one generall Acte was made, intituled, An Acte to enable all his Maesties louing Subiects of England and Wales, to trade freely into the Dominions of Spaine, Portugall and France, The generall Words of which Acte may be obiected and vrged to extend to the annihilating and dissoluing of the sayd particular Charter and Company, contrary to the meaning of this high Court of Parliament, and the intent of the makers of the Lawe, as is conceiued by the opinion of sundry learned in the lawes: May it therefore please your most excellent Maiestie, with

the assent of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, That it may be enacted, explaned and declared, and be it enacted, explaned and declared by the Authoritie of the same, That the sayd generall Lawe so made, as aforesayd, neither doeth, nor shall dissolue, annihilate, or impeach the sayd Charter, or the sayd Company in any their Priuiledges, Liberties, or Immunities granted vnto them by the sayd Charter: Any thing in the foresayd general Acte to the contrary thereof in any wise notwithstanding.

¶ An Acte for confirmation of some part of a Charter granted by King Henry the sixt to the *Mayor, Bayliffes, and Burgesses of the Towne of Southampton, and for relieue of the sayd Towne.*

CHAP. X.

IN all humblenesse beseech your most Excellent Maiestie, the Mayor, Bayliffes, and Burgesses of your Highnesse towne of Southampton, That whereas your noble Progenitor King Henry the first of famous memorie, in consideration that the sayd Towne of Southampton is situated on the Sea

open coast, and subiect to the suddaine assault, and surprise of forreine Enemies, and that the Inhabitants thereof for their defence haue a long time at their owne cost and charge vpheld and maintained the Walles thereof, with many Towers, Turrets, Bulwarkes, great Ordonances, Powder, and other defensiue Artilleria, and for other considerations, did grant to the Mayor, Bayliffes, and Burgesses of the said Towne, and their successors, a Charter which hath beene since confirmed by many other Princes, restraining all Merchants not being free of the Liberties of the said Towne, to buy or to sell any manner of merchandize within the sayde Towne, or the Liberties thereof, vpon paine of forfeiting the same merchandize to the said Mayor, Bayliffes, Burgesses, and their Successors: And whereas now of late sundry Merchants which are not free of the Liberties of the said Towne, and yet free of other Corporations, who respecting onely their priuate gaine, without regard either of the said Charter, or how the said Towne shalbe vpheld and maintained, haue of late intruded on the Liberties thereof, and do both by themselues and also by their Factors, keepe shoppes and warehouses within the sayd Towne, and doe sell their Merchandize both in grosse and by retaile, contrarie to the true meaning of the sayd Grant, and contrarie to all reason and conscience, tending to the vtter vndoing of the Merchants and Inhabitants of the said Towne, and decay of the sayd Towne; For redresse whereof, may it please your most Excellent Maiestie, that it may be enacted by your Maiestie, the Lords Spirituall & Temporall, and the Commons in this present Parliament assembled, and by the Authoritie of the same, and be it enacted and ordeined by the Au-

thoritie aforesaid, That so much of the said Charter as doth concerne the premisses, shall from henceforth stand & be good, effectuall, and sufficient in the Law, to all intents & purposes, according to the true meaning of the same Charter, and that the same be ratified and confirmed by this present Parliament.

And further be it enacted by the Authoritie aforesaid, that no person or persons not being free of the said Towne, shall buy any Merchandize within the sayd Towne or liberties thereof, (Salt and Seafish onely excepted) of any other not being free of the said Towne, nor sel any Merchandise (Salt and seafish only excepted) within the said Towne or Liberties therof, to any person or persons, not being free of the said towne, vpon pain of forfeiture of all such merchandize so bought or sold, to the Maior, Bailifs, and Burgesses of the said Towne, and their Successors.

Prouided allwayes that any person or persons may buy within the said Towne or Liberties thereof any prouision for his or their owne house, or houses, so as the same be expended there, and not in any sort sold againe, as if this Acte had neuer bene made.

Prouided also that it shall be lawful to any person or persons to buy or sell in the time of Faires there, or aborde any Ship within the Port of Southampton of any person whatsoeuer, as if this Acte had neuer beene made.

Prouided allwayes, and be it it enacted by the Authoritie aforesaid, That this Act or any thing therein conteined, shall not extend, nor be construed to extende to the Barons or Free men of the Cinque Ports, or of the members to them belonging, nor to any of them, but that they and euery of them shall and may at all times hereafter freely and lawfully hold, haue, and inioy all such Liberties, Freedomes,

Priuiledges

Priuiledges, Immunities, & Franchiſes within the ſayde Towne of Southampton and the Liberties thereof, as haue bene heeretofore graunted vnto the ſayd Ports, or any of them, or any of the ſayde members, or to the Barons or Free men there, or haue beene by them or any of them accuſtomed, vſed, or enioyed; Any thing in this Acte to the contrary notwithſtanding.

An Acte for the better prouiſion of Meadow and Paſture,

for neceſſary maintenance of Husbandry and Tillage in the Manours, Lordſhips, and Pariſhes of Marden aliâs *Mawarden, Bodenham, Wellington, Sutton S. Michael, Sutton S. Nicholas, Murton vpon Lugg, and the Pariſh of Pipe, and euery of them in the Countie of Hereford.*

CHAP. XI.

Forasmuch as the ſayd Mannours, Lordſhips, and Pariſhes of Marden, aliâs Mawarden, Bodenham, Wellington, Sutton Saint Michael, Sutton S. Nicholas, Murton vpon Lugge, and the Pariſh of Pipe in the ſaid Countie of Hereford, doe differ in the maner of their Husbandrie from many parts of the ſaid Countie, and other Counties in the

Realme of England, and the Inhabitants thereof doe make the Tillage of the same Mannours, Lordships and Parishes the more fertile by raising of Compost, in housing all their Cattell of all sortes, especially all their Sheepe throughout the Whole yeere, and not by any other meanes; Which Cattell, especially their Oxen, Kine, and Sheepe, without sufficient Meadow and Pasture for Graſſe and Hay, are not possible to be maintained. And therefore the Farmers, Freeholders, and all other Husbandmen thereof are much distressed, in that their Tillage doeth lie mingled with their Pasture and Meadow grounds yeerely, in or neere adioyning to their Corne fields, as the course and turnes of Husbandrie fals out, by occasion whereof the said fields, Meadowes and Pastures being open after Sickle and Sithe, all sorts of people turne in their Cattell, and within very short space eate vp all the Graſſe thereof, that the Oxen and Kine of the Husbandmen are in danger to starue in Summer, and of necessitie in many places must be sold away for want of Wintering meate, for which inconuenience by complaint of the Husbandmen of those places, some speedy publike redresse hath beene long and much desired: Be it therefore enacted by the Authoritie of this present Parliament, that euery Owner and Farmer, their heires, successors, and assignes of any Mannours, Capitall messuage, Tenement, or Farme within the said Mannors, Lordships, and Parishes, or any of them that haue not already so much of their Land, Meadow and Pasture, belonging or occupied, to or with their seuerall Messuages, Tenementes, or Farmes inclosed, and kept in seuerall, as doeth amount or extend to the cleare third part thereof, may at his, and their Will and pleasure seuerally, and respectiuely

ſpectiuely from time to time, and at all times hereafter incloſe and keepe in ſeuerall, ſo much of their ſaid Lands, Meadow and Paſture, now at the firſt day of this preſent Seſſion of Parliament, belonging or occupied to or with the ſaid ſeuerall Meſſuages, Tenements, or Farmes, as together with ſuch thereof, as they hold already in ſeuerall, ſhall amount vnto and make vp a cleare third part of all the Lands, Meadow and Paſture, which they doe or ſhall ſo there hold, belonging or occupied to or with the ſaid ſeuerall Meſſuages, Tenements, or Farmes to bee holden and kept in ſeuerall to the maintenance of Tillage, of the arrable Lands belonging or occupied to or with the ſaid ſeuerall Meſſuages, Tenements or Farmes reſpectiuely, according to the eſtates of them, that are ſeuerally intereſſed in the ſame, leauing the other two parts thereof, in three parts to be diuided, ſeuerally and reſpectiuely to lie and continue, as the ſame haue heretofore vſed and accuſtomed to lie.

Prouided alwayes that this Acte, or any thing therein conteined, ſhall not extend to any ancient waſte and common ground that heretofore hath bin, or vſed to be, as a perpetuall common and waſte ground by all the yeere, but that the ſame may ſo continue and remaine ſtill as a perpetuall common or waſte ground.

Prouided likewiſe, that where any perſon or perſons, hath or ought to haue the Hay, or firſt Ueſture, or Paſture only of any Land, Medow, or Paſture, and whereof the Inhabitants of the Townſhip or Pariſh where the ſayd land doeth lie, haue from the time, to the contrary whereof the memorie of man doth not extend, vſed to haue the whole later Math, latter Crop, or Edgegrouth thereof to themſelues,

and the Owner of the said Hay, first Vesture, or Pasture, no part of the sayd latter Math, latter Crop, or Edge growth: That in euery such case, this Act shall not extend to any such Land hereby to be kept in seuerall, but that those which haue so had, and vsed to haue the said latter Math, or later Crop therof, may still haue & enioy the same, in such maner as formerly they haue accustomed: This Act or any thing therein conteined to the contrary notwithstanding.

Prouided also, that this Act or any thing therein conteined, shall not extend to any Land which any person or persons, bodies politike or Corporate hath, or haue vniustly or without good right & title taken or withholden from any other person or persons, bodies Politique or Corporate, to giue any interest or title to any such person or persons, bodies Politique or Corporate, their heires, Successors, or Assignes, or any of them, that so haue, or hereafter shall haue, or doe vniustly without lawfull title withhold any such Land, to haue, keepe, or deteine the same, but that any person or persons, bodies politique or corporate, that hath, or haue any Right, or Title to the same, their heires, Successors and Assignes, shall and may take his and their lawfull remedie for the recouerie thereof, as if this Act had neuer bin had or made: This Acte or any thing therein conteined to the contrary thereof in any wise notwithstanding.

Prouided also, that no person or persons shall bee barred, hindred, or stopped of any high way, common way, husbandrie way, or foot path, by meanes or reason of any such inclosure, but that they and euery of them may haue and vse all such wayes, in such manner and forme as hee, they, or any of them haue vsed, accustomed, and of right ought to haue and vse the same: This Acte or any thing therein

conteined

contemed to the contrary thereof in any Wise notwithstanding.

Prouided also, that euery person and persons and their Heires and Assignes, Who shall at any time or times hereafter inclose and keepe in seuerall any Land, Meadow, or Pasture by force or vertue of this present Acte, shalbe abated and abridged of his and their Common in the common fields and common Pasture in places commonable belonging to the Townes, Messuages, or Fermes Where such inclosures shall be made proportionable after the rate and qualitie of the Lands, Meadow, and Pasture so to be inclosed and kept in seuerall, But neuertheless shall and may haue his and their Common in places commonable there, ratably for the residue of his or their Lands there according to the vsage and custome of the place: This Act or any thing therein contained to the contrary thereof notwithstanding.

And be it further enacted by the Authoritie aforesaid, That it shall and may be lawfull to and for the Freeholders and Copyholders of the sayd Manors, Parishes and Townes, and of euery of them respectiuely, their Heires & Assignes, or the greater number of them, from time to time hereafter to rate and limit euery such person and persons, his and their heires and Assignes, which so shall inclose and keepe in seuerall any Land, Meadow, or Pasture by vertue of this Acte, what and how many Cattell of all kindes such person and persons, his and their heires and Assignes, shall haue, depasture and keepe vpon the Commons of the same Manor, Parish or towne where such Land, Meadow or Pasture shall so be inclosed, and kept in seuerall by vertue of this Acte.

And that if any person or persons, his or their heires, or Assignes, shall after he or they shall bee so

rated

rated or stinted haue, or keepe any more or greater number of Cattell vpon the Commons of the same Manour, Parish or Towne, where such Land, Meadowe, or Pasture so to bee inclosed and kept in seuerall by vertue of this Acte shall lie, then such person or persons, his, or their Heires, or Assignes shall so be rated, or stinted at as aforesayd; That then and so often euery such person or persons, his and their Heires and Assignes, shall forfeit and lose for euery Beast, which he or they shal so keepe ouer and aboue such rate or stint which he or they shall so be rated, or stinted at, the summe of twelue pence, for euery weeke that hee or they shall so keepe such Beast or beasts, ouer and aboue such rate or stint: The one moitie thereof to be to the poore of the Parish where such offence shalbe committed, and the other moity thereof to be to the Lord of the Manour where such offence shall be committed.

And further be it enacted by the Authoritie aforesaid, that all and euery Lord and Lords of the Manors or Lordships aforesaid, or any of them, where such Offence shall bee committed, and their Stewards within the precint of the same Manours or Lordships, and euery of them, shall haue full power and Authoritie within their seuerall Leetes and Court Barons of the said Manours or Lordships, respectiuely to enquire and to take presentment by the Oathes of Jurors, of all and euery Offence and Offences in this behalfe to bee committed, and vpon such Presentment had or made, to leaue by Distresse all such Summes of money, as so shall be forfeited; and that euery such Lord and Lords or their Stewards, which so shall leaue or cause to bee leaued, any such summe or summes of Money so to be forfeited, shall within one Weeke next following

the

the leuying thereof, pay the one moyetie thereof to the hands of the Churchwardens and Ouerseers of the poore of such said Parish or Parishes, where such Offence or Offences shall be committed to the vse of the poore of the same Parish.

Prouided also, that if any person or persons, bodies Politique or Corporate, their Heires, Successors or Assignes, shall at any time or times hereafter erect, or build any Cottage for habitation, vpon any Land so to bee inclosed and kept in seuerall by force or vertue of this Acte, or shall lay any of the said Lands to any Cottage for habitation, & by meanes thereof, or any other meanes dismember the same from the Capitall Messuage, Tenement or Farme to which the same is now belonging or occupyed, That then and in euery such case it shall be lawfull by order of the Court of the Manour where such Lands shall lie, to the Lord or his Officers of the same Manour, or any of them for the time being, or the homages of the same Manour, or the more part of them, to cast and put the same land so laid to any cottage, or dismembred as aforesaid, open and into Common, at Summer seasons of the yeere, and in such manner and forme as the same haue beene formerly vsed: This Acte or any thing therein conteined to the contrary notwithstanding.

Prouided neuertheless, that where the latter Math, latter Crop, or Edgegrowth of certaine Medowes and Pastures in the sayd Parishes or Lordships of Warden aliâs Wawarden, Sutton S. Michael, Sutton S. Nicholas, and Bodenham, commonly called or knowen by the seuerall names of Smedell whitterday, Dole-meadow, the Groues, the Old lands, the Willheyes, and the Wirgins, and certaine smaller Medowes and Pastures to them seuerally

uerally adioyning, haue bin accustomed or vsed most commonly to be yeerely of ancient time hayned and inclosed after Hay haruest, for the keeping and depasturing of the Oxen and kine of such Towne or Parish, where such Meadowes and Pastures doe lye, by certaine Rates thereof in ancient time vsed and accustomed, That there and in that case the same Meadowes and Pastures shall and may bee hayned, inclosed, kept, and vsed yeerely for Oxen and Kine, as most commonly they haue bene formerly vsed and accustomed to be hayned, inclosed, kept, and vsed.

Prouided also that this Act or any thing herein conteyned, shall not extend to inclose or alter the vsage and course of the great meadow, in or neere Sutton S. Michael, and Sutton S. Nicholas aforesaid, called Lug meadow, or any part thereof, otherwise then the same hath bene vsed before the making of this Act, This Act or any thing therein conteined to the contrary thereof in any wise notwithstanding. This Act to continue but to the end of the last Session of the next Parliament.

(***)

An

¶ An Act for explanation of the Statute made in the third yeere of the reigne of King Iames, Intituled, An *Act for the bringing of a fresh Streame of running Water to the North parts of the Citie of London.*

CHAP. XII.

WHereas of late in the Parliament holden at Westminster, in the third yeere of the Reigne of our Soueraigne Lord King James, An Acte was made for the bringing of a fresh Streame of running water to the North parts of the City of London, as by the same Act appeareth, Now, for that sithence the making of that Law, vpon view of the grounds through which the waters are to passe, by men of skill, and vpon aduised consideration of the premisses, it is thought more conuenient and lesse damage to the ground, That the same running water bee brought and conueyed in and through a Trunke or vault of Bricke or stone inclosed, and in some places where need is, rayled vpon Arches, then in an open Trench or Sewer, which maner

maner of conueyance of the same water in a Trunke or vault of Bricke or stone, is doubtfull whether by the wordes of the former Lawe it may be lawfully effected by the Lord Maior and Communaltie, and Citizens of the Citie of London, albeit they doe truely perfourme euery part, clause, matter and thing in the sayd Statute conteined, which on their part are by the true intent of that Lawe to be perfourmed:

For cleering of which doubt, and plaine declaration of the true meaning of the sayd Lawe, Bee it enacted by our Souereigne Lord the King, and by the Lords Spirituall and Temporall, and Commons of this present Parliament assembled, and by the Authoritie of the same, that at any time or times after the laying out of such conuenient limits of ground for the making of the Trenche, or Conueyance of water to the North parts of the sayd Citie of London, at the breadth of tenne foote, and not aboue, as to the Maior, and Communaltie, and Citizens of the Citie of London, and their Deputies, and Workemen, with the allowance of the Commissioners in the sayd former Act mentioned, or any seuen of them shall be seene conuenient and meete for the same, and in that place that they shall find to be most apt and meete for that purpose, according to the true intent of the said Statute, that the Maior and Communaltie, and Citizens of the sayd Citie of London, and their Successors, Deputies and Workemen, for the consideration in the sayd former Acte expressed, shall haue liberty not onely to digge the same ground to be employed for the said Riuer, or new Cut, as in the sayd former Acte is expressed, but also in the same place, where they shall thinke most meete for the sayd new Cut, or Passage of water, to frame, erect, and make a Trunke or Vault of Bricke or Stone

for

for the Passage of the sayd water to the North parts of the sayd Citie of London, not exceeding tenne foote in bredth, in such maner and forme to be layed in the Earth or vpon Arches, as to the Maior and Communaltie and Citizens of London shall seeme meete: And from time to time for euer to maintaine and preserue the same Trunke or Vault of Bricke or Stone, and for that purpose to haue like libertie and free passage to and from the sayd Trunke or Vault of Bricke or Stone, for making, erecting, maintaining, and preseruing thereof from time to time for euer, as they had or might haue had by the intent of the sayd former Acte, to, and from the sayd new Cut or Riuer, with men, horses, cart and carriages, at all times conuenient, and in places conuenient, for the making of the said new Cut or Trench, and for the preseruing of the same from time to time for euer: Any thing in the said former Statute, or in any other Law or Statute to the contrary thereof in any wise notwithstanding.

H An

¶ An Acte for the draining of certaine Fennes and lowv grounds within the Isle of Ely, subiect to hurt by *surrounding, containing about sixe thousand Acres, compassed about with certaine banks, commonly called and named the Ring of Walderſey and Coldham.*

CHAP. XIII.

WHereas by the drayning of certaine Fennes and lowv grounds within the Isle of Elie, subiect to hurt by surrounding, great benefit may come to the Common wealth, and much profit to the Owners of the saide grounds, Bee it therefore enacted by the Kings most excellent Maiestie, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the Authoritie of the same, that Francis Tindall Esquire, Henry Farre, and John Cooper, Gentlemen, (who haue vndertaken to doe their best endeuours to effect the same at their owne costs and charges, for the considerations hereafter mentioned) their heires and assignes

ſignes ſhal haue full power and authoritie by vertue of this Acte, during the ſpace of ſeuen yeeres, next enſuing the ende of this preſent Seſſion of Parliament, to drayne all the Fennes and lowe grounds ſubiect to hurt by ſurrounding in the ſaid Iſle of Ely, that lie and be inuyroned with the banks, beginning at Kekes Mill, and from thence by Tower houſe, to Hobs houſe, and ſo to Tilney Hurne, from thence by Maries Damme, and ſo by Elme Leame to Friday Bridge, and from thence by Redmore Dike, and Begdale, and ſo by Gold Dike to Kekes Mill againe, And for the doing thereof to make of new, or to repaire in all places needfull, ſuch and ſo many Draines, Loads, Dikes, Bankes, Sluces and other Works of Sewers, as they ſhall thinke meet, not being in Marſh-land within the olde Podike, for conueying to the Sea aſwell of the Socke and downefall, as of the ouerflowing of Riuers, and Land floods, ſatiſfying the Owners of ſuch ſeuerals as they ſhal cut, and ſuch perſons as they ſhal otherwiſe damnifie, ſo much money, or other valuable recompenſe, as by ſixe Commiſſioners of Sewers at the leaſt, whereof three inhabiting within the ſaid Iſle, and three within the County of Norfolke, ſhall be ordered and ſet downe.

And bee it further enacted by the Authoritie aforeſaid, that immediatly after the ſaid Grounds ſhall be Drayned, according to the true meaning of this Act, the ſaid vndertakers, their heires and Aſſignes, for and in conſideration thereof, and of the perpetuall maintaining and preſeruing of the ſame Drayning, as in this Acte is hereafter mentioned, ſhall haue, hold, and enioy to them, their heires and Aſſignes for euer, in ſeueraltie, two full parts in the three to be deuided of all the ſaid Fennes and Lowe

grounds, the same to be set out by Metes & Bounds, before the feast of Saint Michael the Archangel, which shall bee in the yeere of our Lord, one thousand fiue hundreth and eight, by the seuerall owners of the said Fennes and Low grounds, or in default of any of them, then at any time after by fiue Commissioners of Sewers at the least, whereof foure inhabiting within the said Ile.

And be it further enacted by the Authoritie aforesaid, that the said two full parts shall bee held of the seuerall Lords, of whom the same are now holden, in free and common Soccage by fealtie, onely for all maner of Seruices, and not in Capite nor by Knight seruice. And likewise that the said two full partes shall bee freed from paying any maner of Tithes, vntill the Feast of Saint Michael the Archangel next ensuing the ende of seuen yeeres, after the time limitted for the Drayning aforesaid.

Prouided neuertheless, and be it enacted by the Authoritie aforesaid, That if it shall fall out at any time hereafter, that any of the sayd Fennes or low grounds, after they be once drained, shall bee againe surrounded in default of the said Undertakers, their Heires or Assignes, and so doe continue at any time betweene the Feast of S. Michael the Archangel and the Annunciation of the blessed Virgine Mary then next following, by the space of two moneths together, or doe so continue at any time betweene the Feast of the Annunciation of the blessed Virgin Mary, and the Feast of S. Michael the Archangel then next following, by the space of one moneth together, and not in the meane time amended by the said Undertakers, their Heires or Assignes, That then and so often it shall and may be lawfull for euery owner of the grounds so surrounded, and not amended,

mended, by the view and appointment of sixe Commissioners of Sewers at the least, whereof foure inhabiting within the said Isle of Ely, being assembled for that purpose, to enter into the two full parts which were diuided & set forth from his grounds so surrounded, for the said vndertakers as aforesaid, and the same to haue and enioy according to his former Title, Estate and Interest, vntill the same Fennes and low grounds so surrounded, shall be recouered againe by new draining or repaire at the costes and charges of the sayd Undertakers, their heires or Assignes: Any thing herein contained to the contrary notwithstanding.

Prouided also, that the Authoritie giuen by this Acte to the sayd Undertakers, their heires or Assignes, for the draining of the sayd grounds, shall not extend to giue any power to cut and draine thorow any other grounds in any other manner, then by the Lawes and Statutes of this Realme heretofore made, they may lawfully doe.

God saue the King.

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Kings moſt Excellent
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ANNO DOM.
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